

**CANBY UTILITY
REGULAR BOARD MEETING
FEBRUARY 8, 2022
7:00 P.M.**

AGENDA

Due to the COVID-19 Pandemic, the Board of Directors and staff will be attending the meeting virtually. The public is invited to attend the meeting virtually or in person at Canby Utility's office, with measures in place to comply with the Governor's Executive Order regarding social distancing.

- I. CALL TO ORDER
- II. AGENDA
 - Additions, Deletions or Corrections to the Meeting Agenda
- III. CONSENT AGENDA
 - Approval of Agenda
 - Approval of Regular Board Meeting Minutes of January 20, 2022 (pp. 1-3)
 - Approval of Write-Offs
 - Approval of Payment of Water and Electric Bills
- IV. CITIZEN INPUT ON NON-AGENDA ITEMS
- V. SPECIAL PRESENTATION
- VI. RECOMMENDATION Revise Procedure 500, Equal Employment Opportunity Anti-Harassment and Anti-Discrimination Policies and Adopt Procedure 501, Guidelines for Investigations – Barbara Benson, Human Resources/Administration Manager (pp. 4-15)
- VII. BOARD REPORT
 - Chair Comments
 - Board Member Comments
- VIII. STAFF REPORTS

Purchasing Agent:

 - Water Master Plan Request for Proposals (pg. 16-23)

General Manager Updates
- IX. ADJOURN

CANBY UTILITY REGULAR BOARD MEETING MINUTES JANUARY 20, 2022

Due to COVID-19 Pandemic, the Board of Directors and staff attended the meeting virtually. The public was invited to attend the meeting virtually or in-person at Canby Utility's office, with measures in place to comply with the Governor's Executive Order regarding social distancing.

Board Present: Chair Thompson; Members Hill, Horrax, and Gustafson

Absent: Member Wagner

Staff Present: Carol Sullivan, Interim General Manager; Barbara Benson, Board Secretary; Jason Berning, Operations Manager; Sue Arthur, Purchasing Agent; and Cindy Dittmar, Customer Service Supervisor

Others Present: David Bajorin, City Council Liaison; Jennifer Joly, Oregon Municipal Electric Utilities

Chair Thompson called the Regular Board Meeting to order at 7:01 p.m.

Chair Thompson presented the meeting agenda for consideration. She asked for additions, deletions, or corrections to the meeting agenda. Board Secretary Barbara Benson requested to table the recommendation regarding the updates to Procedure 500 to allow time for some suggested changes to be made.

Chair Thompson presented the consent agenda for approval. Member Hill made the *MOTION to approve the consent agenda, consisting of the amended meeting agenda, regular meeting minutes of December 14, 2021, write-offs of \$539.95, payment of the electric and water department bills in the amount of \$911,534.14. Member Gustafson seconded, and the motion passed unanimously.

Chair Thompson presented the annual election of the Board's Chairperson for 2022 and then opened the floor for nominations. Member Hill nominated Member Thompson, and she accepted the nomination. Member Horrax seconded the nomination. There were no other nominations made. Member Hill made the *MOTION to close nominations and appoint Melody Thompson to serve as Board Chair for the calendar year 2022. Member Gustafson seconded, and the motion passed with three yes votes and Chair Thompson abstained from the voting process.

Chair Thompson asked for citizen input on non-agenda items, and there was none.

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Customer Service Supervisor Cindy Dittmar recommended the board continue its donation of green power to the city for their parks and transit mall. Canby Utility currently donates 45 blocks of green power to the city each month to promote green power. This donation equates to a green power cost of \$41.40 per month. This donation has been ongoing since 2008. Member Gustafson made the *MOTION to continue to make a monthly donation of Green Power on behalf of the city parks and transit mall. Member Hill seconded, and the motion passed unanimously.

Operations Manager Jason Berning presented the quarterly reliability report. Berning gave an overview of the calendar year 2021. There were three notable power interruption events on the report that were beyond Canby Utility's control. Those events included the winter ice storm in February, the extreme heat event in June, and a vehicle that hit a transformer in September. The outages in January and October were the result of equipment failures. Berning talked about the cause and duration of the outages. Overall, Canby Utility's electric system is strong. A brief discussion ensued regarding the effect June's excessive heat event had on our equipment, and vegetation management around utility facilities.

Customer Service Supervisor Cindy Dittmar presented an update on the Share the Warmth bill assistance program. Customer donations were higher than the previous three years. The intake fees paid in 2021 to the Canby Adult Center were lower due to the timing of paying their invoice. Chair Thompson asked about the Canby Adult Center's role in processing the intakes. Dittmar explained that the Adult Center serves as a third-party administrator to qualify customers for financial assistance.

Interim General Manager Carol Sullivan reported that the operations department has moved into the combined service center and has had training on the new equipment.

Sullivan reported that she and Operations Manager Jason Berning had a virtual meeting with BPA for Canby Utility's electric load forecasting. She noted that she had also signed BPA's new portal agreement, which gives staff access to account information, including billing and metering information.

Sullivan reported that the Clackamas Soil and Water Conservation District contacted her regarding the Molalla River watershed protection. Canby Utility's water treatment plant contractors, Veolia Water, have been representing Canby Utility at these meetings in the past. Sullivan had them add her, Jason Berning, and City of Canby's Public Works Director Jerry Nelzen to the list of interested parties.

Sullivan reported that she signed the *All-Parties* letter from the National Energy and Utility Affordability Coalition to support Low Income Home Energy Assistance Program (known as LIHEAP). Canby Utility customers can receive assistance through the LIHEAP program in addition to Canby Utility's Share the Warmth program.

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Sullivan reported that the employees participated in active shooter training, and staff is now updating the emergency exit plan.

Sullivan stated that she had received an email from a board member asking questions about the accounts payable report. Sullivan addressed each of the questions asked and provided an explanation for each expense.

Sullivan noted that she would be out of the office the following week.

Member Horrax made the *MOTION to adjourn the meeting. Member Hill seconded, and the motion passed unanimously.

There being no further business, the meeting adjourned at 7:27 p.m.

Melody Thompson, Chair

David Horrax, Member

Tim Gustafson, Member

Robert Hill, Member

Todd Wagner, Member

Barbara Benson, Board Secretary



MEMORANDUM

February 4, 2022

TO: Chair Thompson; Members Hill, Wagner, Horrax, and Gustafson

FROM: Barbara Benson

SUBJECT: Update Equal Employment Opportunity Non-Discrimination and Anti-Harassment Policies

Suggested Motion: Move to adopt updated Procedure 500 and Procedure 501, Equal Employment Opportunity Non-Discrimination and Anti-Harassment Policies and Guidelines for Canby Utility.

Background: In February 2020, the Board of Directors adopted the non-discrimination and anti-harassment policies following new employment laws, established in the 2019 legislative session. Oregon employers were required to establish new written policies and procedures, and these policies apply to all employees, public officials, volunteers, and interns.

The law, referred to as the Workplace Fairness Act, has a provision that was not adequately addressed in the previous policy version. In Section 3(2)(b), it states that the written policy must “identify the individual designated by the employer who is responsible for receiving reports of prohibited conduct, including an individual designated as an alternate to receive such reports.” To address this, we have identified the Human Resources/Administration Manager as the individual designated to receive reports and the General Manager as the alternate. If a complaint is made against the General Manager, the Board Chair is to receive the report.

In addition to the policy clarification, another new law took effect this year that was incorporated into the updated policy. The Creating a Respectful and Open World for Natural Hair (CROWN Act) is a law that expanded the definition of race by including physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type, and protective hairstyles.

We decided to table this recommendation last month so that we could establish clear guidelines for investigations for managers and supervisors to use when a complaint under the Non-Discrimination and Anti-Harassment Policies is made. The guidelines are included and attached as Procedure 501. These two policies were developed with the assistance of our labor attorney.

I will be available to answer any questions.

CANBY UTILITY

PROCEDURE 500

REVISED: FEBRUARY 2022

NON-DISCRIMINATION AND ANTI-HARASSMENT POLICIES

Canby Utility Board (CU) takes its Equal Employment Opportunity Policies seriously. These policies and expectations apply to all employees, volunteers, interns and public officials for CU in accordance with applicable law.

A. NON-DISCRIMINATION POLICY

It is CU's policy to provide equal employment opportunities to all qualified persons without regard to regard to race (including traits associated with race such as hair texture/styles), color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, mental or physical disability, uniformed/military service or veteran's status, use of the worker's compensation system, expunged juvenile records, or any other protected status or activity in accordance with applicable law. It is CU's policy to make employment decisions based on its evaluation of an individual's qualifications, ability and contribution to the success of CU.

B. POLICY AGAINST HARASSMENT

It is also CU's policy that its employees, volunteers, interns and public officials should work in an environment where individual dignity is respected. CU strictly prohibits Workplace Harassment, including sexual assault.

"Workplace Harassment" is defined by statute under Oregon law, and includes:

- Conduct that constitutes discrimination prohibited by ORS 659A.030 (i.e., discrimination because of race, color, religion, sex, sexual orientation, national origin, marital status, or age of employee or person associated with employee, or employee's expunged juvenile record), including conduct that constitutes sexual assault.
- Conduct that is prohibited by ORS 659A.082 (i.e., discrimination against an individual based on uniformed service); or
- Conduct that is prohibited by 659A.112 (i.e., employment discrimination against persons with disabilities).

"Sexual Assault": Sexual assault means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation.

We expect all employees and other people covered by this policy to accomplish their work in a business-like manner with concern for their coworkers and others they come into contact with through their jobs. Any conduct that could reasonably be viewed as harassment of employees, volunteers, interns, public officials, etc. by employees or others covered by this policy is not permitted, regardless of working relationship or supervisory status. Likewise, CU does not permit others on our worksites to engage in any conduct that could reasonably be viewed as harassment of our employees, volunteers, interns and public officials.

Specifically forbidden is conduct related to an individual's race, color, national origin, ancestry or ethnic background, religion, sex, sexual orientation, gender identity, mental or physical disability, age, veteran status, marital status, or other legally protected status or activity.

Prohibited conduct of a sexual and gender-based nature includes conduct such as:

- Unwelcome sexual advances; innuendoes; requests for dates
- Unwelcome touching or sexual assault
- Unwelcome visual conduct, such as leering or making sexual gestures
- Telling dirty jokes
- Making offensive or derogatory comments about a person's gender
- Making derogatory remarks about alternative lifestyles, including comments about individuals who are gay, lesbian, or transgender
- Talking about your sex life or asking about other people's sex lives
- Spreading rumors or telling stories about other people's (such as a coworker's) sex life
- Displaying sexually suggestive objects, pictures, cartoons or posters
- Use of CU computers or other communication systems to access, send, receive or store material of a sexual/gender, etc. based nature
- Any other verbal, graphic, electronic or physical conduct of a sexual or gender-based nature, which has the purpose or the effect of creating a hostile or offensive work environment or otherwise unreasonably interfering with another employee's or other covered individual's work.

Prohibited conduct of a racial, ethnic, religious, age or disability, etc. based nature includes conduct such as the following:

- Making racial slurs or offensive ethnic comments
- Telling racial or ethnic jokes
- Displaying cartoons, printed material or other objects which are racially or ethnically offensive
- Displaying racist symbols
- Making derogatory comments or jokes about, or mimicking a person's physical or mental limitations
- Unwelcome pushing of your religious beliefs on others
- Criticizing or making fun of another person's religious beliefs
- Making derogatory age-based comments or jokes
- Using CU computers or communications systems to access, send, receive or store racially, ethnically, age-related, disability related or religiously, etc. offensive material; and
- Other verbal, graphic, electronic, physical or other conduct of a racial, religious, ethnic, age or disability related nature, which creates a hostile or offensive work environment or unreasonably interferes with another employee's or other covered individual's work.

These are just examples of conduct that is prohibited by this policy. Employees and other covered individuals are expected to exercise common sense and refrain from other similar kinds of conduct. Also, it is important to understand that:

- Conduct of this nature is prohibited even if it occurs off-duty, if it creates an offensive work environment or unreasonably interferes with another employee's or covered individual's work.
- ***You are expected to assume that conduct of this nature is unwelcome and will offend others.*** Therefore, you are expected to refrain from engaging in such conduct, regardless of

the circumstances. It is not an acceptable excuse that others participated in the conduct or did not appear to be offended.

- No one should suggest or threaten that an individual's cooperation with or tolerance of conduct of this nature will have any effect on that person's employment or status as a volunteer, intern or public official. CU does not make decisions on that basis.

C. POLICY AGAINST RETALIATION

CU respects the rights of its employees and others in our workplace to raise harassment and discrimination concerns and expects individuals in our workplace to participate in investigations. CU does not permit employees or others to retaliate against individual(s) who report harassment or discrimination, cooperate with investigations, testify in harassment proceedings or assist in enforcement of our policies against discrimination and harassment.

"Retaliation" is broadly construed and may include on-duty or off-duty conduct, whether related to employment or not, that could discourage an employee or other covered individual from making a complaint of discrimination, harassment or retaliation, or from testifying, assisting or participating in an investigation, proceeding or hearing. Retaliation includes treating another employee or covered individual differently because they or someone close to them reported harassment, complained about discrimination or engaged in any of these types of activities.

It also includes giving an employee or covered individual "the cold shoulder" or treating an employee or covered individual rudely because they or someone close to them reported harassment, withholding information or cooperation necessary for them to do their job, changing work assignments or hours, because of their complaint or participation in enforcement of this policy etc. are examples of retaliation. Retaliation also includes discouraging an employee or other covered individual from reporting harassment or criticizing an employee or other covered individual who reports harassment or cooperates in an investigation. Examples of this kind of retaliation include telling someone not to "rat" on another employee or covered individual who is committing harassment.

D. REPORTING PROCEDURES

If you believe you have been subjected to conduct in violation of these policies, you should promptly contact the HR/Administration Manager at 503-263-4312 or the General Manager, whomever you are most comfortable reporting to. If your concern involves one of the people listed above, you are expected to report the concern to one other person on this list. If your concern is about the General Manager, contact the Chair of the Board of Directors.

These policies include:

- Discrimination in violation of CU policy or equal employment opportunity laws;
- Any type of harassment or conduct prohibited by the Policy Against Harassment, whether by an employee, volunteer, intern, Public Official or by anyone else you come into contact with through your job (vendors, citizens/customers, or other business visitors, etc.);
- Retaliation for the reporting of discrimination or harassment, opposing discrimination or harassment or cooperating with investigations; or
- If you have observed behavior or overheard comments that raise concerns regarding compliance with CU's Non-Discrimination Policy, Anti-Harassment Policy, or Policy Against Retaliation toward others

Any supervisor or manager who receives information about conduct that may violate these policies is required to immediately notify the HR/Administration Manager or the General Manager, and to provide the employee with a copy of this policy. When the HR/Administration Manager or the General Manager receives a report of alleged discrimination, harassment or retaliation, they must document what is reported and provide the employee with a copy of this policy. All employees and covered individuals who believe that they have been subject to or witnessed conduct in violation of CU's Equal Employment Opportunity Policies are also advised to document those incidents.

We encourage our employees, volunteers, interns and public officials to report complaints and work with us to voluntarily disclose and report information regarding incidents of workplace harassment and informally resolve problems involving violations of our Equal Employment Opportunity policies. Covered individuals have a legal right to report Workplace Harassment under Oregon law for up to four (4) years from the date on which the alleged harassment occurred. However, *CU does not place any time limits on the ability to report violations through CU's internal complaint procedures.* Regardless, all covered individuals are expected to report these incidents at the earliest opportunity in order to maximize CU's ability to conduct a thorough investigation and prevent further occurrences of prohibited conduct. Our ability to resolve these kinds of problems is dependent on your cooperation in reporting incidents that create an offensive or hostile work environment for you. We believe that all of our employees, volunteers, interns and public officials have an affirmative obligation to promptly report violations of our policy and cooperate with investigations.

E. INVESTIGATIONS AND VIOLATIONS

All complaints of violations of CU's Equal Employment Opportunity policies are promptly investigated by the HR/Administration Manager, CU's legal counsel, or other person designated by CU, such as a contracted outside investigator. The goal of the investigation is to determine the facts related to the complaint. Consistent with applicable law, the name of the complainant is kept confidential during the investigation. Other witnesses and information related to the investigation is kept confidential to the extent we determine confidentiality can be maintained while allowing us to comply with our legal obligations, including the responsibility to conduct a thorough investigation and maintain a workplace free of the types of unwelcome conduct prohibited above.

CU prides itself on its commitment to equal employment opportunities and restricts the types of behavior outlined in its policies, above, regardless of whether that conduct constitutes a legal violation. If CU finds that an employee or other covered individual has violated its policy, appropriate disciplinary action up to and including immediate discharge (or discontinuation of internship, volunteer service, etc.) is taken. The level of disciplinary action depends on the circumstances of the offense, including severity, pattern or frequency and may include verbal counseling, written reprimand, suspension without pay, demotion or discharge, etc. In addition, other corrective action, such as individualized training and other steps may be taken as CU determines appropriate.

F. FOLLOW-UP WITH COVERED INDIVIDUALS

Consistent with applicable law and best practices, it is our policy to follow up with both the complainant and the accused individual(s) to let them know the outcome of the investigation. CU also follows up with the victim of alleged harassment at least once every three months for the calendar year following the date on which we received the report to ensure that any harassment

or other policy violations have stopped and that the victim is not subject to retaliation. These follow-up contacts will occur unless the victim objects in writing to this practice. CU may, in its discretion, also follow up with witnesses and others who cooperated in an investigation, including employees and other covered individuals who reported conduct that was not determined to be a violation of this policy, for the purpose of enforcing anti-retaliation prohibitions.

Employees, volunteers, interns and public officials who have questions or concerns about our Equal Employment Opportunity Policies are encouraged to contact the HR/Administration Manager or follow the Reporting Procedures outlined in these policies.

G. RECORDS RELATING TO HARASSMENT

Notices of leave pending investigation, notice of interviews, due process notices and disciplinary notices are generally maintained in personnel files. If documents are removed from a personnel file as required by an applicable collective bargaining agreement or any other reason, they will nevertheless be retained by CU as required by other applicable law(s).

Other documents related to complaints and investigations are maintained in confidential files for a *minimum* period of the 5-year statute of limitations or the minimum retention period required under Oregon law, whichever is longer. Such records are generally released only as CU determines appropriate to defend against legal claims, establish consistency and lack of discrimination, to establish that an employee or covered individual received notice of standards of conduct required under this policy, and when otherwise required by applicable law.

H. NON-DISCLOSURE AND NON-DISPARAGEMENT AGREEMENTS

All employees and other covered individuals should be aware that CU does not require or coerce any employee or covered individual to enter into any non-disclosure or non-disparagement agreement that would prohibit them from discussing alleged discrimination, harassment (including sexual assault) in the workplace. This includes any conduct that occurs between employees/covered individuals, between an employer and the employee/covered individual in the workplace or at a work-related event coordinated by CU, or that occurs between an employee/covered individual and the employer off of CU property.

Employees and other covered individuals claiming to be aggrieved by Workplace Harassment (including sexual assault) may, however, voluntarily request to enter into an agreement (e.g., separation, severance or settlement agreements) containing a confidentiality, non-disparagement and/or no-rehire provision(s). Although CU is not obligated to offer or agree to any such separation, severance or settlement agreement, an employee or other covered individual who enters into such an agreement on or after October 1, 2020 will also have the option to revoke the agreement within seven days after it is signed.

Under this policy, a nondisclosure agreement is any agreement by which one or more parties agree not to discuss or disclose information regarding any complaint of Workplace Harassment, discrimination, or sexual assault.

A non-disparagement agreement is any agreement by which one or more parties agree not to discredit or make negative or disparaging written or oral statements about any other party.

I. EMPLOYEE RESOURCES

Employees and covered individuals who believe they need counseling or other support services are encouraged to use CU's Employee Assistance Program (EAP). Additional information on the EAP can be found in the Employment Benefits section of this Handbook. The Oregon Health Authority or the Oregon Board of Licensed Professional Counselors and Therapists may also have additional information to help connect you with counseling and other support services. More information can be found on the websites for these agencies at: <https://www.oregon.gov/oha/pages/index.aspx> and <https://www.oregon.gov/oblpt/Pages/Websites.aspx>.

J. OTHER COMPLAINT AND ENFORCEMENT OPTIONS

All employees and other individuals covered by these policies should also be aware that they have the right make complaints to and seek remedies through the Oregon Bureau of Labor and Industries' (BOLI) complaint resolution process or by filing claims in court as well as to pursue their rights under other available laws, whether civil or criminal. CU does not provide any employee or other covered individual with legal advice. However, all employees and covered individuals should be aware that time limits apply to the ability to pursue civil and criminal complaints. For example, claims made with BOLI for alleging discrimination or harassment under Oregon law [based on race, color, religion, disability, uniformed/military service, sex, sexual orientation, national origin, marital status or age (18 or older), (or because of this status of anyone the employee associates with), or because of an individual's expunged juvenile record], must generally be filed within 5 years from the date of the alleged unlawful practice if the conduct occurred on or after October 1, 2019. The same statute of limitations applies to such claims filed without first going through BOLI. Please also be aware that Oregon law requires that individuals bringing claims against a public officer, employee or agent of a public body or a public body (e.g., CU) must first provide a notice of claims (often referred to as a Tort Claims Notice). Except as otherwise provided by ORS 30.275, the Tort Claims Notice must generally be provided within 180 days of the alleged loss or injury.

Different time limitations apply under federal law (*generally* claims must be filed within 180 days with the federal EEOC or within 300 days if state or local law prohibits the same conduct and a state or local agency enforces a law that prohibits employment discrimination on the same basis). The statutes of limitations for criminal complaints vary based on the nature and degree of the conduct. CU

Covered individuals who want more information may contact the Oregon Bureau of Labor and Industries (<https://www.oregon.gov/boli>), local law enforcement, or contact an attorney of their choosing. The Oregon State Bar provides a referral service through which employees may be connected with attorneys. Information regarding this service can be found at: <https://www.osbar.org/public/ris/>. For employees and others whose legal rights are determined to have been violated, additional remedies, such as back pay, counseling or medical costs; attorney fees, pain and suffering, and punitive damages may be available.

1. PREGNANCY AND DISABILITY ACCOMMODATION POLICY

CU is also committed to complying fully with state and federal pregnancy and disability accommodation laws for its employees who are covered by these laws. If you require workplace modifications or other assistance to accommodate your pregnancy (including but not limited to pregnancy, childbirth or a related medical condition, such as lactation) or disability, it is your

responsibility to contact the HR/Administration Manager to make sure we are aware of not only your pregnancy or disability, but also your need for accommodation. Reasonable accommodations may include obtaining or modifying equipment or devices, schedule modifications, and other job modifications that are intended to enable a pregnant or disabled employee to perform their essential job duties.

When you advise us of a condition that you believe requires accommodation, we work with you to analyze your medical condition, job limitations, etc., and discuss with you to determine what, if any, reasonable accommodations can be made to enable you to perform your job duties in a safe and satisfactory manner. All employees are expected to cooperate with this process, including our requests for medical confirmation of their condition and the nature and extent of any job-related restrictions or limitations.

CU does not create positions that do not exist to accommodate employees. If, even after any required reasonable accommodation, an employee is unable to perform their essential job duties, we then explore opportunities to place disabled employees in other existing and available positions that are, with or without reasonable accommodation, suited to their skills and limitations.

If you have been provided an accommodation that you feel is not effective for any reason, you should promptly notify the HR/Administration Manager.

K. RELIGIOUS ACCOMMODATION POLICY

CU is also committed to complying fully with its reasonable accommodation obligations for the religious beliefs and practices of its employees. If you require scheduling or other workplace modifications for your religious beliefs and practices, please contact the HR/Administration Manager.

CANBY UTILITY

PROCEDURE 501

FEBRUARY 2022

GUIDELINES FOR INVESTIGATIONS OF COMPLAINTS UNDER THE NON-DISCRIMINATION AND ANTI-HARASSMENT POLICIES

Canby Utility Board (CU) believes that complaints and other concerns about compliance with its Non-Discrimination and Anti-Harassment Policies should be investigated in a consistent, fair, impartial, and thorough manner. At the same time, CU also recognizes that each situation is unique and that the nature, scope and procedures used in any investigation necessarily depend on the circumstances involved. As a result, CU has developed these guidelines, which are intended to facilitate compliance with CU's policies, goals and investigatory obligations in a consistent, fair and flexible manner.

GUIDELINE 1: WHEN A COMPLAINT IS RECEIVED

Supervisors and managers who receive a complaint or become aware of conduct that may violate CU's Non-Discrimination and Anti-Harassment Policies must promptly complete all the following steps:

1. Provide the individual who has raised the complaint or concern with a copy of CU's Non-Discrimination and Anti-Harassment Policies (Procedure 500).
2. Let the individual know that CU takes concerns very seriously and that someone will follow up with them to obtain additional information soon.
 - ☐ Do not make promises that you will keep their complaint/concern a secret or otherwise that it will just stay between the two or you, etc.
3. Document what has been reported to you or what you observed with the date. (e.g., send an email to the HR/Administration Manager, General Manager, or Board Chair).
4. Immediately notify the HR/Administration Manager, the General Manager, or Board Chair of the complaint (or information about conduct that may violate the policy – even if no 'complaint' has been received.)
 - ☐ If you are the HR/Administration Manager, the General Manager, or Board Chair: verify that Steps 1-3 in Guideline 1, above, have been completed and also document what has been reported to you.
5. Comply with instructions from the HR/Administration, General Manager, or Board Chair about your role (if any) in conducting an investigation or following up with employees involved.

GUIDELINE 2: STARTING THE INVESTIGATION (HR/Administration Manager / General Manager / Board Chair)

When the HR/Administration Manager, General Manager, or Board Chair receive notice of a complaint (or learn of conduct that may violate CU's Non-Discrimination and Anti-Harassment Policies), they should promptly complete all of the following steps:

1. Determine whether the accused individual should be placed on administrative leave (paid) pending investigation.
 - ☐ Is the person's presence a threat to the workplace, including for continuation of the alleged conduct (based on the nature and severity of the allegations)?
 - ☐ Could the person's presence in the workplace potentially interfere with the investigation?
 - ☐ Written notice of administrative leave should include:
 - Directive not to interfere with the investigation (e.g., contacting the complainant or other witnesses about the allegations).
 - Non-retaliation directive
 - Reiteration of rights to union representation and consultation.
 - Other information about scheduling, etc.

***Remember: Do not disclose the identity of the complainant(s) to the accused or others while the investigation is pending. This includes in any administrative leave or other investigation notice.**

2. Consider and determine who should conduct the investigation (internal investigator or outside investigator), taking into consideration:
 - ☐ Nature, severity, and complexity of the allegations
 - And the skills, training and experience needed to conduct the investigation based on these factors
 - ☐ The need for individuals within the organization to participate in the investigation process. The following individuals should not act as an investigator:
 - Any person accused of engaging in misconduct or otherwise violating the policy
 - Any person who is or might be a witness to any of the allegations involved in the investigation
 - The individual(s) who will make the decision about discipline or other consequences after the investigation has been completed.
 - ☐ Other concerns or indicators of bias?

3. Review and identify any policies or Collective Bargaining provisions that govern how an investigation must be conducted (if any) and provide these to the investigator. For example:
 - ☐ Will the employee have the right to union representation during interviews (Weingarten rights)? If employee wants to bring an attorney, *Seek Advice*.
 - ☐ Do the allegations include potentially criminal conduct? *Seek advice*.
 - ☐ Policies related to searches (of CU or employee property, etc.)
4. Work with the Investigator (if not you) to establish the scope of the investigation (e.g., fact finding only?), the format for interviews (e.g., recorded?) and other investigatory procedures applicable based on the circumstances of this investigation (e.g., how will documents be obtained? How will witnesses be contacted? Etc.), and how the results will be reported.
5. Notify the Complainant (and witnesses as needed) that the investigation has begun, who will conduct the investigation, and applicable expectations (e.g., truthfulness, etc.)

GUIDELINE 3: WHEN THE INVESTIGATION IS COMPLETE

1. Review the investigation results and determine whether any policies or standards have been violated.
2. *If Policy/Standards Violations Have Occurred:*
 - ☐ Determine what level of discipline (up to and including discharge) and/or other corrective action (e.g., training, etc.) is appropriate, considering:
 - Nature & severity of the conduct/violation(s)
 - Employee's prior disciplinary and work record
 - Applicable policies, collective bargaining obligations, etc.
 - ☐ Notify the accused employee of the results and provide the accused employee with appropriate pre-disciplinary due process notice (*if applicable*)
 - ☐ Conduct any required pre-disciplinary due process meetings (*if applicable*).
 - ☐ Make a final determination and issue the discipline/corrective action.
 - Reminder: Even if pre-disciplinary due process is not required, a post-termination 'name-clearing' hearing may be required in the event of termination. *Seek advice*.

3. Regardless of the outcome: Notify the Complainant(s) of the results of the investigation.
 - ☐ Include information on findings
 - ☐ Include information on steps being taken to ensure conduct stops/does not reoccur (if applicable)
 - Note: Do not reveal detailed information about disciplinary/personnel action taken with other employees.
 - ☐ Include instruction and contact information to immediately report reoccurrence or new violations or retaliation.
4. Follow up:
 - ☐ With the complainant/victim *at least* once every 3 months from the date of the complaint (for the next year)
 - ☐ With others as needed (e.g., others in the work group, the accused if additional steps must be taken, etc.)



MEMORANDUM

February 4, 2022

TO: Chair Thompson, Members Gustafson, Wagner, Hill and Horax

FROM: Sue Arthur, Purchasing Agent

SUBJECT: Potential Contract Award for Water Master Plan Project

Our current Water Master Plan (WMP) was issued April 2010 and is for a 20 year period. The State requires the plan have an update after 10 years. The approved FY22 Water Capital Budget includes funds to update the WMP to comply with Oregon Health Authority requirements.

Staff needs to move forward with the plan update without delay due to some anticipated city projects that will require water infrastructure construction that is not identified in our existing plan. This prompted staff to issue a Request For Proposal seeking proposals for this project on January 18, 2022. The proposals are due February 10, 2022 at 2:00 pm, and will be opened in the boardroom and is open to the public. We anticipate that the proposals will not exceed \$100,000 since this is an update to our existing WMP.

Once the proposals are opened, we will have costs from engineering firms for the WMP update project. If the most qualified and responsible proposal exceeds \$100,000, we may need to call a special board meeting for approval to award the contract and expedite the start of the project.

Staff will be available to answer any questions the Board may have.

CANBY UTILITY BOARD REQUEST FOR PROPOSALS

WATER MASTER PLAN

Date of Issuance: [January 18, 2022](#)

Proposal Due Date: February 10, 2022 at 2:00 p.m.

Issued by: Canby Utility Board
Contact: Sue Arthur
Title: Purchasing Agent
Address: 1265 SE 3rd Avenue
Canby, OR 97013
Phone: 503-263-4327
Fax: 503-263-8621
Email: sarthur@canbyutility.org

Purpose of Request

This is a request for proposal from qualified consultants interested in performing engineering services. The selected consulting firm will provide the Canby Utility Board with a Water Master Plan (WMP) that forecasts water needs to 2043. The plan update will be funded by Canby Utility Board.

Background

The Canby Utility Board is an independent municipal subdivision of the City of Canby, a city with just over 18,171 residents. The utility is governed by a five-member board of directors, appointed by the mayor and confirmed by the city council. The Canby Utility Board provides electric service and drinking water to customers within an approximate five (5) square mile area defined by the city limits. The water system draws its source water from the Molalla River and consists of a water intake system, a springs gallery, a water treatment plant, backwash ponds for recycling water, reservoirs, and a distribution system serving a customer base of 5,500 water meters. Pumps provide system pressure due to Canby having mainly level terrain. The Canby Utility Board prides itself on its customer service and offers various residential and commercial conservation programs. Water rates are scheduled for review in mid to late 2022.

The Molalla River supplies all of the city of Canby's drinking water. The watershed area is 344 square miles and is located within Clackamas County. Its headwaters start southwest of Mt. Hood and its North Fork tributary begins 0.6 miles southeast of Cougar Lake. The Canby Utility Board

has monitored the Molalla River for more than 50 years and have found it to be of a high-quality water source in the state of Oregon. River water is pumped to the water treatment plant for filtration, treatment, and disinfection using both Chlorine and Ultraviolet Light (UV) Technology. The water is then pumped to the distribution system and then to taps. Canby Utility has over 66 miles of underground water pipe lines that delivers water to customers.

The Molalla River has periods of low flow in the summer. Methylisoborneol (MIB) and Geosmin are also present in the summer, with no current method of removal.

The current treatment plant has a treatment capacity of 8.0 million gallons of water per day (MGD) and consists of eight package treatment filter units and six (6) ultraviolet disinfection units. The clearwell has a usable capacity 1.272 million gallons, since there is ten (10) feet of reservoir below grade, and the top four (4) feet are not usable due to seismic considerations. Pumping capacity to the distribution system is limited to 6,111 gpm (8MGD + 10%) from the tracer test, and is discharged through a lined 16" steel pipe.

There are two reservoirs on S.W. 13th Ave., each have 2.0 million gallons of capacity. The four (4) pumps at the reservoir site have a total pumping capacity of 5,800 gpm. There is an empty pump can in the pump house for a fifth pump for future expansion. The 0.5-million-gallon reservoir at N.W. 4th and Fir St. is still standing but was removed from service in 2016.

The Canby Utility Board contracts with Veolia Water North America-West, LLC (VWNA) for operation, maintenance, and management services of the water treatment plant and related facilities and equipment. The Canby Utility Boards public-private partnership with VWNA for the city's water treatment makes VWNA a valuable resource to consult with in planning for the city's future water capital needs. The Canby Utility Boards staff maintains and manages the distribution system and will have projects to be included in the WMP.

Issuance of Request for Proposals

Request for Proposals (RFP) documents may be downloaded from Canby Utility's website at:

<https://www.canbyutility.org/news-community/project-bids-awards/>

Submission Requirements - PLEASE SUBMIT FOUR (4) COPIES

Proposals must be received in a sealed envelope at the Canby Utility Boards office no later than 2:00 p.m. on **February 10, 2022**. **Any proposals submitted after 2:00 p.m. will not be accepted.** All prices quoted shall remain firm for 30 days after the date stated for the award of the Proposal.

Proposals must follow the structure listed below.

A. Qualifications and Experience

Respondents must provide information on the qualifications of the project team members, as well as recent and related experiences. Please provide company name, address, phone number, fax number, website address, number of years in business, as well as the location of the main office.

The team member or members proposed for the project should be described in terms of (1) position within the firm, (2) role within the past projects, and (3) extent of responsibilities.

B. Quality of Relevant Experience

Please provide a list of five (5) clients, preferably clients located in the state of Oregon, who have used your WMP services for municipal water facilities of similar size or other related projects. Describe the service provided and the cost of your service.

Summaries of a consulting firm's related project experience should emphasize relevance to the WMP. These should include references with a representative name, company name, address, phone numbers, and describe the involvement in the project.

C. Capacity

Describe your firm's capacity to commit sufficient resources and to deliver projects in a timely manner. Submit a timeline of when the work will begin and completion dates of each task.

Describe any special capabilities of your firm, such as technical innovations, financial assistance, cost effectiveness, permitting, etc.

D. Understanding and Approach

Describe your firm's understanding of the project and your proposed approach to completing the project.

E. Cost Estimate

Please provide your proposed fee for completing the work as described in the Scope of Work. Costs are to include fees for your firm and any sub-consultants, as well as reimbursables.

Process

Consultants shall prepare and submit a detailed written proposal with personnel and methods described. The submittal should include any proposed changes to the tasks described in the Scope of Work and should include an overall project cost.

The Canby Utility Board will assign a committee with the task of selecting the best-qualified consultant.

The proposals will be reviewed and a short list will be compiled. The Canby Utility Board reserves the right to contact references as well.

Once a final selection has been made, the Canby Utility Board and the chosen consultant shall work jointly to refine a detailed Scope of Work. The Canby Utility Board will offer its standard form professional services contract.

Evaluation Criteria

The following parameters will be used to evaluate consultants:

- A. 20% Relevant experience and expertise of the firm(s) and individual team member(s) assigned to the project.
- B. 30% Quality of previous experience in development, modeling, and creating of a municipal WMP as described in the Scope of Work. References are included.
- C. 20% Capacity of the firm to commit sufficient resources to the project and the ability of firm to respond quickly to tasks assigned and provide a final product in a timely manner.
- D. 20% Demonstrated understanding of the project and relevancy of the approach to meeting the owner's goals.
- E. 10% Competitiveness of proposed cost.

Economy of Presentation

The proposal should be prepared simply and economically, providing a straightforward, concise presentation of the information requested. Fancy bindings, colored displays, promotional materials, etc. are not important. Emphasis should be on completeness and clarity of content.

Incurring Cost

The Canby Utility Board is not liable for any cost incurred by respondents prior to issuance of a contract.

Project Schedule

The Canby Utility Board anticipates retaining a consultant by February 2022.

Scope of Work

The selected consultant will be expected to provide full services associated with the Scope of Work, including review, modeling, analysis, and evaluation needed to develop the WMP. The successful consultant shall be experienced and familiar with OAR 690-086.

The following descriptions are suggested contract task elements. Consultants may propose amended or additional task assignments as appropriate. The final agreed upon tasks and time schedules will comprise the basis of the approved contract.

Task 1 – Review and Gather Data

Review current WMP and the Water Management Conservation Plan. Collect and review any data pertaining to the WMP such as comprehensive plan information, record drawings, operation and maintenance records, previous reports, water use records, water source information, distribution data, GIS data, and/or any other information. Consult with VVNA on capital project options for the water system.

Task 2 – Project Water Demands

Review reliable population and demand information. Identify existing average-day demand and peak-day demand, and project future demands through a 20-year minimum study period. Derive a dwelling unit equivalent (DUE) basis for demand modeling using data specific to the Canby Utility Board.

Task 3 – Water Supply

Evaluate existing water sources. Provide recommendations regarding the maintenance and expansion of the existing system in the context of the development of new or alternate source(s).

Task 4 – Evaluate Existing System

Use available data and the Canby Utility Board's hydraulic model to analyze the ability of the existing water supply and distribution system to meet current water demands. Determine any deficiencies in the existing system and/or system components. Develop a list of recommended capital improvements to meet existing system requirements and corresponding cost estimates.

Task 5 – Future System Analysis

Use available data and the hydraulic model to analyze the future needs of the water system. Determine the major treatment, transmission, pumping, and storage facilities required to serve the total service area over a minimum 20-year period. Size major pipelines and pump stations, and evaluate current and alternative locations for new treatment, storage, and pumping.

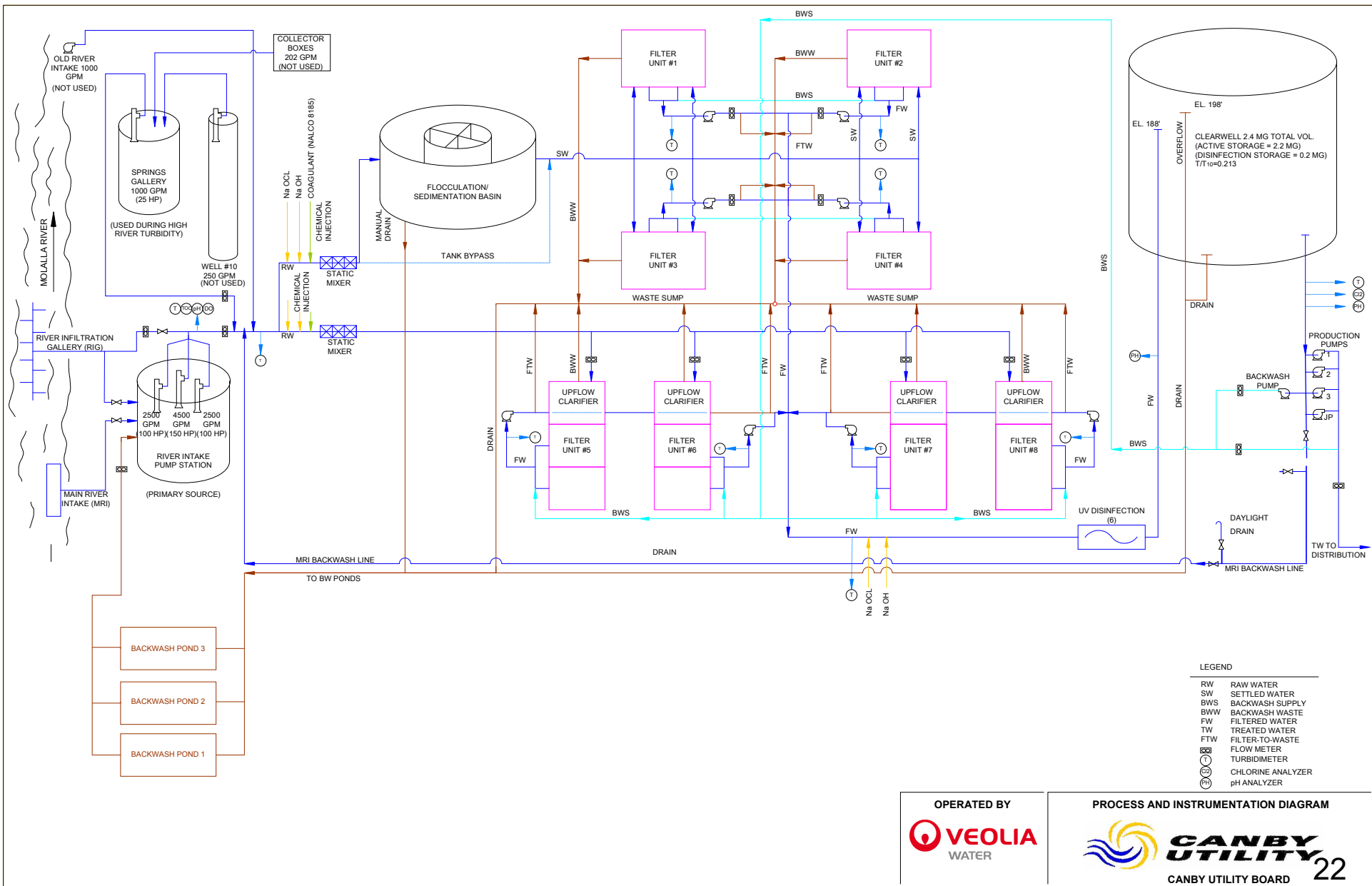
Task 6 – Develop Capital Improvement Plan (CIP)

Present the costs and schedule for proposed water system improvements, including source, treatment, pumping, transmission, distribution, and storage in a CIP. Present the improvements and estimated costs within the first five (5) years by year when the improvement should be constructed, the estimated improvement costs for six (6) through ten (10) years, and the estimated improvement costs for the period beyond ten (10) years.

Task 7 – Prepare Final Report

Prepare a bound report (including an electronic version) for staff review. Incorporate the staff review comments into a final report called *Water System Master Plan*. **Deliver 6 copies** of the final report. Provide the final report in electronic format. Deliver a reproducible version of any unbound and/or oversized mapping and one unbound reproducible version of the report.

The Canby Utility Board is an equal opportunity and affirmative action employer. Minority and women-owned businesses, as well as Emerging Small Businesses are encouraged to submit proposals.





Canby Utility Board

FIRST ADDENDUM TO THE REQUEST FOR PROPOSALS FOR WATER MASTER PLAN

Issued: February 3, 2022

Canby Utility Boards' Request for Proposals
for the Water Master Plan dated January 18, 2022

is hereby amended as follows:

The Canby Utility Board anticipates this project will not exceed \$100,000 for updating our existing Water Master Plan.

Except as modified in this Addendum, the RFP will remain in effect as originally written.