

**Oregon Joint Use Association
Board of Directors
OJUA Conference Room – Salem, OR
Thursday, December 18, 2008**

Chair Dave Wildman called the meeting was called to order at 10:00 a.m. A quorum was present:

Board Members Present

Dave Wildman, Monmouth Power, Chair
Mark Beaudry, BeaverCreek Telephone,
Vice Chair
Richard Gray, City of Portland, Treasurer*
Stuart Kelly, PacifiCorp
John Sullivan, PGE
Gary Lee, Charter Communications
Stuart Sloan, Consumer's Power
Diana Winchester, Qwest

Staff:

Genoa Ingram, OJUA
Wendy Knodel, OJUA
Mary Tucker, OJUA

Board Members Absent/Excused

Dave Ramsey, Comcast, Secretary
Kevin O'Connor, Time Warner
Craig Andrus, Emerald PUD
Doug Morten, City of St. Helens

Guests

Bill Woods, PacifiCorp
Jeff Kent, PacifiCorp
Roger Kuhlman, Salem Electric
Brett Anderson, Bend*

**Participated via teleconference*

Chairman's Comments Chair Dave Wildman welcomed new Board Member Diana Winchester of Qwest. He then provided an overview of 2008, reviewing goals established early in 2008 and provided updates on joint inspections, conflict resolution and the NESC training event. He also reported that the OJUA had gone through a comprehensive audit and had received a positive evaluation. Policies recommended by the auditors include conflict of interest and financial review provisions and will be implemented in 2009.

Incoming Chair Mark Beaudry thanked Chair Wildman for a successful year. Noting that this would be his second time as OJUA Chair, Mark providing a historical perspective of the OJUA's transition from formation to present. He noted that he was looking forward to production of the Standards Manual that was nearing completion and an "error definition". He also stressed that he wanted to give the P&E Committee the resources necessary to produce another successful NESC training effort, and hoped the Committee would increase marketing efforts through use of the website, logo redevelopment and outreach. Updating the Strategic Plan is also a priority, as is modification of the Conflict Resolution procedures.

Member Past Presidents Jeff Kent and Bill Woods voiced praise for the progress the OJUA

Input has made and the benefits to members of continued involvement. Brett Anderson expressed an interest in Bend Broadband becoming more active in the OJUA at all levels and offered participation in both the P&E and Standards Committees.

Minutes The minutes of the October 16, 2008 Board meeting and the December 10 email vote were approved as submitted.

Treasurer's Report Treasurer Gray provided the financial report, noting that he anticipates the association having approximately \$80,000 in the bank by April 2009 and recommends purchasing additional CDs at that time. He reported that the Executive Committee had discussed using funds to provide additional benefits to the membership such as by reducing NESC training registrations for member companies.

Treasurer Gray presented the 2009 budget for discussion purposes. After some discussion, several amendments were suggested, including providing funds for WEI travel, speaker fees for training, executive assistant fees and committee expenses, leaving a surplus of approximately \$2,494. Those amendments will be incorporated and the budget will be circulated for approval via an email vote.

Bylaw Amendment Moved by Beaudry and seconded by Sullivan to amend Section 6, Article 6.4 of the Bylaws as follows:

Other Committees. All other committees shall consist of at least one director, who ~~shall~~ **may** serve as chair of that committee.

Motion passed.

Board members discussed an additional Bylaw amendment to change the designation of OJUA Chair to OJUA President, for purposes of clarity. That amendment will be drafted and properly noticed for the next Board meeting.

Committee Updates Publicity and Education Committee Chair Stuart Sloan noted that he would like to see the Committee focus more on compliance with the Strategic Plan. He is also interested in developing a succession and recruitment plan to encourage committee involvement and attract new Board members.

The Committee is currently very involved in Spring Training planning for 2009. Chair Sloan noted that there would be a change in presenters for 2009 at a cost of \$7,500 plus a charge for meeting materials of \$4,800 that could be passed through to registrants. He agreed that members should receive a price break and indicated that the Committee would proceed with securing Allan Clapp and lock in the Sheraton.

Conflict Resolution Committee Chair John Sullivan reported that a meeting was planned in the near future to discuss modifications of the process.

Standards Committee Committee Chair Gary Lee noted that the biggest challenge the Committee currently faced was that of attendance. He noted that the work of the Committee is very labor intensive. He reviewed a Committee work product which attempted to address “discrepancy rates” (EXHIBIT A).

He reported that the Standards Manual was very close to completion and suggested publishing the finished product on the web site in order to save printing costs. Board members discussed data management and quality control issues as they relate to inspections.

Executive Committee Committee Chair Mark Beaudry discussed implementation of policy changes as recommended by auditors reported that noted we had already spoken to the audit. He praised OJUA staff for the successful audit.

Legislative Committee Committee Chair Richard Gray reported that the 75th Legislative Assembly would convene on January 12 and, while OJUA does not lobby, staff has offered to provide tracking information for proposed legislation relating to utilities.

Committee Appointments 2009 Chair Mark Beaudry announced that it was his intent to keep the current Committee chairs and was in the process of speaking to each of them individually.

Industry Updates Regional Meetings: No meetings scheduled.

Training Opportunities: Bill Woods of PacifiCorp reported a training session was being planned in Utah with Allen Clapp and committed to send the applicable info to Sullivan.

Joint Projects: Diana Winchester reported that Qwest had recently completed a joint inspection project in the Salem area. Bill Woods reported that Tim Adams of PacifiCorp had recently compiled a report on joint inspections.

Old Business Chair Wildman suggested that the Board move ahead with modification and Adoption of a new logo. He suggested that the Board allow the Executive Committee to work with staff to bring a design forward.

New Business Stuart Sloan suggested that the Executive Committee also take on the “succession and recruitment” issue. **By consensus**, Board members agreed to task the Executive Committee with that project.

Next Meeting The next meeting of the OJUA Board of Directors is scheduled for Thursday, March 19 in the Portland area.

Adjourn There being no further business, the meeting was adjourned at 12:26 p.m.

Discussion of “Accuracy” relating to Notices of Violations

Relevant Oregon Administrative Rules:

860-028-0115 *Duties of Structure Owners* (6) An owner must ensure the accuracy of inspection data prior to transmitting information to the pole occupant.

860-028-0170 *Plans of Correction* (1) A plan of correction must, at a minimum, set out:

(a) Any disagreement, as well as the facts on which it is based, that the pole occupant has with respect to the violations alleged by the pole owner in the notice;

Discrepancies of Data contained in Notice of Violation

1. Notified entity is not located on the pole (nor required to attach)
2. Stated violation does not exist
3. Mis-identified facility in violation (e.g., TV drop is cut and hanging, not telephone)
4. Code not properly applied to attachment (e.g., exceptions for communication drops over driveways attached to highest point of house only need 11’6”, not 15’ 6”)
5. Pole cannot be located with information provided

Other discrepancies, which often require a pole inspection and response, but would not be considered an issue of “accuracy”:

- Another entity created the violation (disputed)
- Citing party does not own the pole
- Grandfathered attachments
- Communications spacing agreements (less than 12” separation at the pole, yet the parties have an agreement, which by code, is not a violation)
- Facilities on the pole have been modified since the inspection data was transmitted, and therefore a violation on Notice may not exist