

Oucc Meeting • Salem – The Grand Hotel + Zoom

Meeting Minutes -

Meeting Date: December 13, 2022

Call to order:

Scott Gallegos called the meeting to order at 12:30 p.m. and introductions were made. Motion to approve minutes from 09.13.22 meeting was made by Lynn Detering and 2nd by Alba Vogland. Kitty will post on the OUCC website.

Treasurer's Report:

Alba shared her screen and presented an update of the treasurer's report.

Previous balance: \$33,645.21

--Balance includes \$(zero) 0.00 for yearly assistance funds. \$23,547.15 for Additional Assistance Funds. \$4,863.43 in trailer funds. \$70.50 in Tax Advisor funding and \$633.12 in Operating Expenses. Balance based on Alba's report.

A motion was made by Kyle Thomas to request \$6,684.99 to OUCC to fulfill the \$10,000 OUNC offered to support Joint States 2022. Lynn Detering 2nd and motion passed.

A motion to accept the treasurer report was made by Lynn and 2nd by Diana Anderson.
(See attachment for full report)

P & E Report:

Kitty shared she's working with Dormers on outdoor banner ads that will be funded by OUNCs Training & Education committee. Will have available to order online in the new year. Be sure to order your 2023 dashboard calendars and wall calendars.

DIRT Report:

No updates to report. You can download the 2020 reports from OUCC and OUNC website.

Zone Reports

Zone 1-

-Yamhill UCC: no report

-North Coast UCC: Scott reported that KC is the Secretary/Treasurer, and he is the President.

-They hope to have a contractor's breakfast in January.

-Mid Willamette UCC: no report

-Metro UCC: Scott reported their council meets 4th Wednesday of each month.

- Contractor's luncheon in November was a success.

- MUCC Golf tournament for 2023 is in planning phase.

Zone 2-

-Linn Benton UCC: same report as East Linn (see below)

-East Linn UCC: Joyce Nelsen emailed her report to Kitty and shared. Meeting quarterly on the 3rd Thursday in Lebanon at James Gang Pizza. 5-7 people attending.

-Contractors' breakfast with LBUCC in Oct.

- Jason Williams sent out invites to contractors in area.
- 60 attendees
- Halsey had a light parade and 811 swag was given out.

- Lane UCC: Jason reported they are handing out \$10 gift cards to someone who needs training on OR811 dig law. They hope to have the 811 trailer in their area at home depot in 2023.
- Lincoln UCC: Lynn Detering reported their council meets 3rd Wednesday each month; 5-7 attending.
 - Contractor's lunch coming up in Feb/March in Lincoln City
 - Jason to provide 811 training.

Zone 3-

- Douglas County UCC: Ryon's previous report: his council meets the 1st Tuesday each month.
 - Council provided a contractor's breakfast in April with 80 attendings.
 - Council is sponsoring at the Douglas Fairgrounds
 - Council is providing their annual sweatshirt giveaway
- South Coast UCC: Ryan McCarty from NWN is the new president. Council meets the 2nd Thursday of each month.
 - Council is working hard to get EIN #. Tracy is calling the IRS weekly.
 - Council will participate in the Coos County Fair end of July
- Klamath Falls UCC: Michelle Tyree previously reported they meet quarterly at the Avista office; 3-18 attend.
 - Council will be setting up their 811 booth at the Farmers Market
 - Michelle reported Avista is over their yearly damages. City of K Falls hit 2 high pressure lines while drilling. OSHA came out after she called.
 - She shared there are a lot of new contractors in the area and not following the Oregon Dig Law. This needs to change. She is doing all she can to help educate folks in her county.
- Rogue Basin UCC: Jeff Simas reported they meet quarterly.
 - Jeff is planning an 811 Safety Fair January 24, 2023.
 - Food, vendors, Bryon Snapp and Kevin Hennessy to present.
 - He would like someone from OCC to present on ITICnxt
 - Council received additional funds

Zone 4-

- Hood River UCC: John Buckley will stay on for the next year as President. John is trying to rebuild the council. Council still needs to submit tax filing info to Wicks Emmett
- Wasco County UCC: John Amery previously reported they meet the 3rd Tuesday of each month.
 - The council had the 811 Trailer at their Member Appreciation Picnic.
 - Frank Planton with One Call Concepts brought the 811 Corvette to this event.
 - They are reviewing Bylaws: how to get more participation for local utilities.
- Central Oregon UCC: Kyle Thomas reported this council has no participation currently. He hopes to get the group back together taking the previous membership list and reaching

out. Kitty mentioned she and Josh will be in Bend Jan 30th and will try to reach out to Don Moore. Set up a meet and greet with new members.

Zone 5-

- Umatilla UCC: Jeff Brown previously reported they meet monthly at Mac's Bar & Grill; 7-10 attend.
 - Council sponsored Movie in the Parks again this year. An 811 15 second TV spot will play at each movie.
 - Babe Ruth Park has a large 811 banner hanging.
 - Planning a summer construction breakfast
 - Operator Training Conference
- Union UCC: Diana Anderson is now the new President for Union UCC. Welcome! She reported they meet in La Grande for lunch quarterly.
 - council has updated their by-laws.
 - council held a breakfast and handed out t-shirts.
- Baker UCC: No Report
- Malheur UCC: No Report

Old Business:

• Taxes:

- Erica Aitken, from Wicks Emmet presented her updated spreadsheet. (See attachment)
 - Wick/Emmitt will pay councils fees when filing and invoice OUCC for reimbursement.
 - Feel free to contact: erica@wicksemmett.com
1. There are currently 2 councils that do not have the required Board members (Malheur and Central Oregon). Are these councils going to be revived, dissolved, or merged with another?
 2. The extended deadline to file the tax returns was 11/15/22.
 3. Secretary of State annual reports – there continues to be confusion from some councils on if they are preparing or if Wicks is to file. We have been filing as they come due, but there have been a few that continue to file on their own and we don't realize it until we attempt to file.
 4. May 15, 20223 is Wicks deadline for filing.
- **FREE VIRTUAL TRAINING CLASSES OFFERD FOR ITICnxt by One Call Concepts**
 - To register, go to: Oregon811.com
 - One Call Concept will continue to offer webinar classes and the schedule is online.
 - Companies can schedule their own private class by contacting nwitei@occinc.com

New Business:

- Elections for 2023 State Council were held:
 - A motion was made by Melanie Lewis to re-elect the State Council members and 2nd by Kitty OKeefe. Motion passed
- Scott Gallegos - President

- Kyle Thomas - VP
 - Alba Vogland - Treasurer
 - Lynn Detering – Secretary
- Bryon Snapp from OSHA presentation: (See attachment)
 - Oregon OSHA Jurisdiction covers Worker health and safety
 - OSHA's definitions of Excavation: any man-made cut, cavity, trench, or depression in an earth surface formed by earth removal.
 - Inspection Priorities : #1 : Imminent Danger #2 : Fatality/Accident #3 : Complaint
 - Areas of Emphasis were discussed
 - Q&As followed
 - Discussion on Funding was brought up by Scott Gallegos
 - Scott recommended 2K to each council
 - 12k additional funds
 - 10k general operations
 - Dues vary per council; Alba shared how she breaks out each council.
 - A motion was made by Kyle to distribute funds the first of the year and 2nd by Alba. Motion passed.
 - Morrison Award 2022 – Congrats to Frank Planton!
 - Amazon Gifts Cards: Alba and KC will receive a \$50 gift card.

Good of the Order:

- Josh Thomas shared there is opportunity for Train the Trainer. Using his Excavator Safety ppt, he is happy to get people up to speed to provide OR811 dig law training. It was asked if his training covers next? Yes, some. Best to set up with OCC for additional ITICnext understanding.
- A motion was made by Lynn Detering to remove Ryon Kershner from Bank of America Business Account # 0028 5570 6120 and add Alba Vogland. Kitty O'Keefe 2nd the motion. Motion passed.

- Next meetings:** 2023 Meeting Calendar
- March 7, 2023 – Seaside - Best Western Oceanview
 - June 13, 2023 - Coos Bay - Mills Casino
 - September 12, 2023 – Redmond – Eagle Crest
 - December 12, 2023 – Salem – The Grand Hotel

Adjourned at 2:35 pm

Submitted by: Kitty O'Keefe on Dec. 19, 2022

PLEASE NOTE: A special notice to review and approve the minutes on Jan.12, 2023.

The number of votes that came in to approve it were 14 voting members.

Scott Gallegos signature:



OUCC Treasurers Report December 2022

Current Balance

\$33,645.21

The checkbook balances with the statement for November 2022.

There is one outstanding transactions for the amount of \$550.00.

It is for Additional Assistance.

The balance above includes the following:

\$	(zero) 0.00	Annual Assistance Funds (see note #1 below)
\$	23,547.15	Additional Assistance Funds
\$	70.50	Tax Advisor Funding (see note #2 below)
\$	4,863.43	Trailer Fund
\$	3,981.01	2022 Joint States fund; and the balance of
\$	633.12	Operating expenses, dues collected and miscellaneous expenses

Note #1 - Annual Dues have been taken out and moved to the corresponding line item totals.

The Annual Assistance for each Council has been moved into the Additional Assistance line item, and will still be available for the Councils needing their Annual Assistance, and for those requesting Additional Assistance. This move puts all the Assistance Funds into one line item to track expenditures for Media Outreach this year.

Note #2 – Tax Advisor Fund – funds are transferred from Assistance funds as needed for Tax Advisor payments for the Councils.

Respectfully submitted for the Oregon Utility Coordinating Council by
Interim Treasurer Alba Vogland

12-12-2022

OUCC

UPDATED: 12/9/22

GENERAL NOTE: THE 990 AND CT-12 WERE DUE MAY 15, 2022, EXTENSION AVAILABLE THRU NOVEMBER 15, 2022

#	Council Name	SOS Next Renewal Date	2022 SOS Annual Report Filed?	EIN	IRS Exempt Application	Oregon DOJ registration	2021 990-N Prepared?	2021 CT-12 Prepared?	Notes:	2022 Wicks Billings-to-date	2022 Budget	Over/ (Under) Budget
18	Baker County Utilities Coordinating Council	4/19/2023	YES	46-1555077	DONE	DONE	YES	YES		420	420	-
15	Central Oregon Utility Coordinating Council	2/10/2023	YES	80-0522826	WAS ALREADY DONE	ON HOLD	YES	ON HOLD	Currently don't have a President. Dissolving? Emailed on 5.5.22	300	570	(270)
9	Douglas County Utility Coordinating Council	3/24/2023	Yes - done by Council	93-0823974	WAS ALREADY DONE	N/A - council is a 501c6 entity	YES	N/A - 501©6		300	420	(120)
7	East Linn Utility Coordinating Council	7/15/2023	Yes - done by Council	45-3934849	DONE	DONE	N/A	N/A	Council wishes to file on own	-	-	-
13	Hood River				TO DO	TO DO			Unable to get in contact with council	-	-	-
12	Klamath Utility Coordinating Council	11/2/2023	YES	93-0678519	RE-APPLIED ON 5.6.22	DONE	N/A - see note	YES	Re-applied with IRS on 5.6.22 - IRS unable to process due to incorrect EIN.	520	420	100
8	Lane Utilities Coordinating Council	9/20/2023	Yes - done by Council	37-1691849	TO DO	TO DO			Council is listed as a mutual benefit. Need to change to public benefit before we can file 1023-EZ. Secretary of State has been unresponsive to my requests.	-	1,045	(1,045)
5	Lincoln County Utility Coordinating Council	7/16/2023	Yes - done by Council	45-4057405	DONE	DONE	YES	YES		270	420	(150)
6	Linn-Benton Utility Coordinating Council	7/15/2023	YES	93-1191423	DONE	DONE	YES	YES		420	420	-
19	Malheur Utility Coordinating Council	10/9/2023	YES	45-5176318	WAS ALREADY DONE	WAS ALREADY DONE	YES	In Process	Council does not have minimum 3 members. Unable to move forward - council would like to dissolve	300	420	(120)
2	Metropolitan Utility Coordinating Council	7/16/2023	YES	45-3941258	DONE	DONE	YES	YES		420	420	-
3	Mid-Willamette Utility Coordinating Council	11/2/2023	YES	45-5211596	DONE	DONE	YES	YES		995	1,045	(50)
1	North Coast Utilities Coordinating Council	12/7/2023	YES	47-3561290	DONE	DONE			Council just revived with minimum Board member requirement. IRS Letter in Oct 2022	975	1,045	(70)
11	Rogue Basin Utility Coordinating Council	1/16/2023	YES	93-1310735	WAS ALREADY DONE	WAS ALREADY DONE	YES	YES		420	420	-
10	South Coast Utility Coordinating Council	11/2/2023	YES	84-4998778	APPLICATION REJECTED	DONE	N/A - see note	YES	Council unable to obtain copy of EIN - correspondence and attempts made.	670	420	250
16	Umatilla, Morrow, Gilliam County Utilities Coordinating Council	4/23/2023	YES	90-0777549	WAS ALREADY DONE	WAS ALREADY DONE	YES	YES		420	420	-
17	Union County Utilities Coordinating Council	7/16/2023	Yes - done by Council	82-4366491	DONE	DONE	YES	YES		270	420	(150)
14	Wasco County Utility Coordinating Council	8/26/2023	YES	84-1641438	DONE	DONE	YES	YES		420	420	-
4	Yamhill Utilities Coordinating Council	1/1/2023	YES	82-3406334	WAS ALREADY DONE	N/A - council is a 501c6 entity	YES	N/A - 501©6		300	300	-
										7,420	9,045	(1,625)

Underground Utility Avoidance in Oregon

Oregon OSHA's Efforts & Expectations (Condensed)

Oregon OSHA Jurisdiction

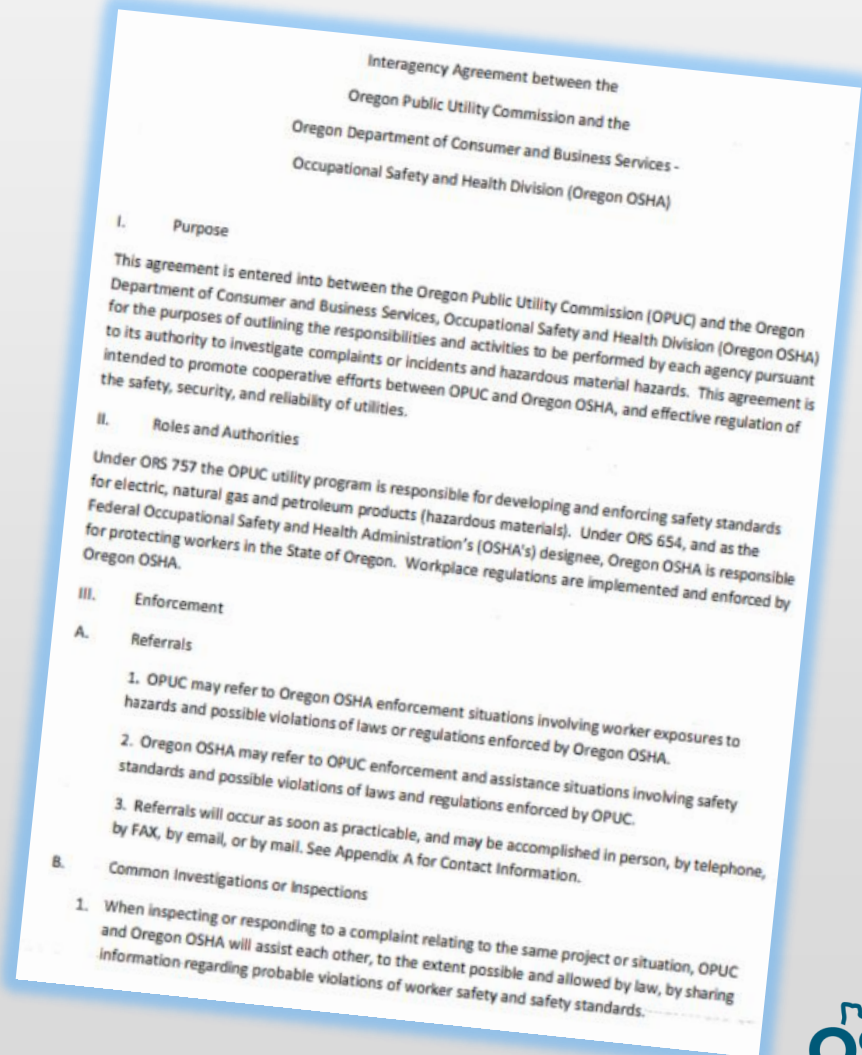
Oregon Safe Employment Act (ORS 654)

Yes = Worker health & safety

No = Public health & safety

MOU with OPUC

- May 12, 2016



Difference in Definitions

- “Excavation”

Oregon OSHA / 1926.650(b)(1) =

Excavation means any man-made cut, cavity, trench, or depression in an earth surface, **formed by earth removal.**

formed by earth removal.

OUNC / OAR 952-001-0010(8)=

(8) “Excavation” means any operation in which earth, rock or other material on or below the ground is moved or otherwise displaced by any means, except sidewalk, road and ditch maintenance less than 12 inches in depth that does not lower the original grade or original ditch flow line. “Excavation” does not include the tilling of soil for agricultural purposes conducted on private property that is not within the boundaries of a recorded right-of-way or easement for underground facilities.

Inspection Priorities

Priority	Type
First	Imminent Danger
Second	Fatality/Catastrophe/Accident
Third	Complaint
Fourth	Referral
Fifth	Scheduled/Special Emphasis
Sixth	Follow-up

MOU with OPUC

Priority	Type
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Areas of Emphasis

Areas of Emphasis

Demolition



istockphoto.com

Division 3 / Subdivision T

Areas of Emphasis

Demolition

Driving / Installing



<https://milspecanchors.com/pd-110-post-driver/>

Division 1

Areas of Emphasis

Demolition

Driving / Installing

Excavating



Division 3 / Subdivision P

<https://www.homeadvisor.com/r/excavation-contractors/>

Program Directive A-303

New as of May 2, 2022

PROGRAM DIRECTIVE

Program Directive A-303

Issued May 2, 2022

Revised _____

Underground Utility Installations: Inspection and Citation Guidance

STANDARDS/

Division 1, Rules for all Workplaces, OAR 437-001-0760(1)(b)(C)

Division 3/P, Safety Training & Education, 29 CFR 1926.21(b)(2)

Division 3/P, Specific Excavation Requirements, OAR 437-003-0096(2)
and 29 CFR 1926.651(b)

Division 3/T, Demolition, 29 CFR 1926.850(c), Preparatory Operations

Oregon OSHA Field Inspection Reference Manual (FIRM)

[Program Directive A-176, Excavation Standards.](#)

[Program Directive A-265, National Emphasis Program \(NEP\): Trenching and Excavation.](#)

[Program Directive A-290, Inspection and Citation Guidance for Roadway and Highway Work Zones.](#)

[Interagency Agreement between the Oregon Public Utility Commission and the Oregon Department of Consumer and Business Services - Occupational Safety and Health Division \(Oregon OSHA\).](#)

Program Directive A-303

Provides =

- inspection guidance
- citation guidance

PROGRAM DIRECTIVE

Program Directive A-303
Issued May 2, 2022
Revised _____

Underground Utility Installations: Inspection and Citation Guidance

NDARDS/

Division 1, Rules for all Workplaces, OAR 437-001-0760(1)(b)(C)

Division 3/P, Safety Training & Education, 29 CFR 1926.21(b)(2)

Division 3/P, Specific Excavation Requirements, OAR 437-003-0096(2) and 29 CFR 1926.651(b)

Division 3/T, Demolition, 29 CFR 1926.850(c), Preparatory Operations

Oregon OSHA Field Inspection Reference Manual (FIRM)

[Program Directive A-176, Excavation Standards.](#)

[Program Directive A-265, National Emphasis Program \(NEP\): Trenching and Excavation.](#)

[Program Directive A-290, Inspection and Citation Guidance for Roadway and Highway Work Zones.](#)

[Interagency Agreement between the Oregon Public Utility Commission and the Oregon Department of Consumer and Business Services - Occupational Safety and Health Division \(Oregon OSHA\).](#)

Program Directive A-303

Prime Rules =

- 1926.651(b)(1) = **Estimate the location**
- 1926.651(b)(2) = Determine the location
- 1926.651(b)(3) = Determine precise location
- 1926.651(b)(4) = Protect exposed utilities

Program Directive A-303

Prime Rules =

- 1926.651(b)(1) = Estimate the location
- 437-003-0096(2) = **Excavator to give notice**
- 1926.651(b)(3) = Determine precise location
- 1926.651(b)(4) = Protect exposed utilities

Program Directive A-303

Prime Rules =

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- 437-003-0096(2) = Excavator to give notice
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Program Directive A-303

Prime Rules =

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- 1926.651(b)(4) = **Protect exposed utilities**

Oregon OSHA Citation History

10 years prior to the MOU (May 2016)

Oregon OSHA Citation History

10 years prior to the MOU (May 2016)

15 citations for all four **Excavation** rules =

- 1926.651(b)(1) = 10 times
- 437-003-0096(2) = 5 times
- 1926.651(b)(3) = 0 times
- 1926.651(b)(4) = 0 times

Oregon OSHA Citation History

Since the MOU (May 2016)

- **1926.651(b)(1) = Estimate the location**

73 times



Oregon OSHA Citation History

Since the MOU (May 2016)

- **437-003-0096(2)= Excavator to give notice**

13 times



Oregon OSHA Citation History

Since the MOU (May 2016)

- **1926.651(b)(3)** = Determine precise location with safe & acceptable means

53 times



Oregon OSHA Citation History

Since the MOU (May 2016)

- **1926.651(b)(4) = Protect exposed utilities**

7 times



Questions / More Information

Bryon Snapp, CSP, ASP

Oregon OSHA / Statewide Safety Enforcement Manager

(971) 719-0500

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