

News Release from Sallal Water Association

September 14, 2020

Despite numerous attempts to reach a compromise with the City of North Bend over water usage data, the City has forced the Sallal Board to make a difficult decision to provide data on water used by individual Sallal members that live within the city. Sallal will provide this data under protest.

The City's passage of a new Water Conservation Ordinance in June prompted the Sallal Board of Trustees to investigate Sallal's policies and legal options related to providing member usage data to the City.

The past practice of providing water usage information for all Sallal members who reside within city boundaries was not based on any agreement executed between Sallal and North Bend, or any law, or city code. This practice was questioned by multiple Sallal members and the Board, raising concerns about the protection of member's privacy and providing personally identifying information that could potentially be used by the City to assess fines via its new conservation ordinance.

In light of the most recent ordinance, Sallal has little choice but to make member water usage data available to the City in order to avoid potential fines that hurt all members of the Association and could potentially jeopardize important projects. While we will provide usage data for the period of July 27 to August 27 under protest, we remain committed to negotiating a reasonable solution with the City.

The Board will also continue to work with counsel to assess its legal options.

Sallal will continue to keep members apprised of changes through Sallal's website and social media. For those of you wanting more background, a timeline of the situation follows.

Timeline:

In July, the City of North Bend passed a Water Conservation Ordinance that would place restrictions on members of the Sallal Association. The legality of implicating Sallal in this ordinance is in question.

The Sallal Board met on July 21st and decided the Association will no longer provide any usage information to the City for any members. Sallal notified North Bend's City Administrator of this decision on July 27th. Subsequently, the City's Public Works Director informed Sallal that some members had signed authorizations with the City that consented to the water purveyor providing their usage data. At that time, the City threatened to sue Sallal if we did not provide the usage data. Based on the City's claim that members had signed an authorization, Sallal agreed to provide usage data for those members once the City provided a copy of their respective authorizations to Sallal.

Rather than provide those authorizations that the City claimed to have, the City chose not to work with Sallal and instead held a Special City Council Meeting to pass a new sewer ordinance. The new ordinance, passed on August 25th, requires Sallal to provide the water usage data of all members located within city limits, including those on septic. The City passed this ordinance as at special meeting without input from the Citizens or Sallal.

Even after the City passed the new ordinance, Sallal attempted to work with the City to resolve this impasse. Sallal offered the City an arrangement to provide limited data: The City would suspend the ordinance for 90 days while we negotiate the possibility of obtaining authorizations from Sallal members on sewer; the City would provide Sallal with a list of Sallal members served by the City's sewer system; and the City would only use data provided by Sallal for the purpose of calculating the sewer bills."

On September 8th, the City's attorney notified Sallal that they would not accept this offer and would require full compliance with the entire ordinance immediately.

The City's action to impose modified sewer rates on the affected Sallal members is punitive since Sallal has agreed to provide the usage information as soon as the City informs Sallal which members are on sewer.