

SOUTH FORK WATER BOARD
MINUTES OF BOARD MEETING
August 23, 2007

Board Members Present: Norm King, West Linn Mayor, Chair
Alice Norris, Oregon City Mayor, Vice Chair
Scott Burgess, West Linn Councilor
Mike Gates, West Linn Councilor
Damon Mabee, Oregon City Commissioner

Board Members Absent: Daphne Wuest, Oregon City Commissioner

Staff Present: John Collins, SFWB General Manager
Laura Schroeder, SFWB Attorney
Kim Brown, SFWB Staff

Others Present: Bob Long, Golder Associates
Alice Richmond, West Linn Resident
Richard Burkhartsmeier, Hidden Springs N.A., West Linn
Daniel Blankenheim, Hidden Springs N.A., West Linn

General Board Meeting

(1) Call to Order

Chair King called the meeting of the South Fork Water Board to order at 6:05 p.m.

(2) Public Comments

No public comments.

(3) Consent Agenda - Approval of minutes of the June 14, 2007 South Fork Water Board Meeting.

Board Member Burgess commented that page 4, paragraph 3, should read "In West Linn, South Fork Water Board would get SDC credits for dedicating land."

Board Member Burgess moved to approve the minutes of the June 14, 2007 Board meeting with the above correction. **Board Member Mabee** seconded the motion. **MOTION CARRIED 5-0. Ayes: Gates, Mabee, Burgess, Norris, King; Nays: None.**

(4) Mutual Aid and Assistance Agreement for Emergency Services Related to Water and Wastewater Utilities.

John Collins introduced the subject by saying South Fork Water Board has an opportunity to participate in the ORWARN (Oregon Water/Wastewater Agency Response Network) agreement. This is a mutual aid and assistance agreement between utilities in times of emergencies such as earthquake or chemical contamination of the river etc... Participation in this program would not require South Fork to respond, but if were able, we could lend some assistance and in turn if South Fork needed help, we could request aid such as water treatment operators or equipment from other participating agencies. This is a win-win program that has been championed and refined by larger utilities. This document has also been reviewed by the legal counsel of larger utilities such as the Cities of Portland, Hillsboro, and Eugene. Medium size utilities are now bringing it to their boards and councils for consideration. Mr. Collins said that he would recommend South Fork's participation in the ORWARN agreement.

Board Member Burgess asked if the person requesting assistance would remain the incident commander and responsible party.

John Collins responded that the first meeting of ORWARN participants is scheduled for September 2007 in Bend, Oregon, to start working out the logistics of incident response. For instance, in the agreement it states if a utility utilizes another agencies staff, the requesting agency will pay their out of pocket expenses.

Board Member Burgess said if there were an emergency, South Fork could feasibly be asking for someone to come in and be the incident commander because we are not trained. Conversely, South Fork staff may go to help another agency thinking they work for John Collins, and then all of a sudden they are being told what to do by another agency. It would be hard for South Fork staff to respond to an emergency at another agency and still be under Mr. Collin's control. It needs to be clear who is in charge of outside staff in the event of an emergency.

Vice-Chair Norris asked if South Fork has an emergency response manual at the treatment plant.

John Collins confirmed that South Fork does have an emergency response manual at the plant. Mr. Collins indicated that parts of the document could be added to the Board books. While the Board is probably not interested in sections on calibrating plant equipment, it would be good to have a general synopsis of the manual available to the Board, in particular, who is contacted in an emergency, how water is made available etc...

Vice-Chair Norris added that she was especially interested in chain-of-command and what the role of Board members might be in an emergency situation.

Board Member Burgess said another question to answer is who would talk to the press in the event of an emergency.

Board Member Burgess moved to approve South Fork Water Board participation in the Mutual Aid and Assistance Agreement for Emergency Services Related to Water and Wastewater Utilities (ORWARN). Vice Chair Norris seconded the motion. MOTION CARRIED 5-0. Ayes: Gates, Mabee, Burgess, Norris, King; Nays: None.

(5) **Update on Regional Issues**

John Collins explained that he added this agenda item to explain issues in the region and to open discussion and explore these issues to whatever level Board members would like.

In the Clackamas basin, the focus is on tidying up some loose ends with the regional effort to develop the Clackamas River Water Providers 'Resource Management and Conservation Program'. To date, all entities have signed the IGA and the by-laws are in the process of coming back to the Boards involved. It is expected this program will be functioning within the second week of September.

The Clackamas basin is currently a source of water for approximately 180,000 persons in Clackamas County. Dan Bradley (Oak Lodge Water District) is leading an initiative asking if other entities on the Clackamas are interested in exploring an alternate water source and joint treatment system on the Willamette River. Initially this effort will involve meetings for feasibility discussions and would not necessitate any monetary consideration, only the time and energy of the General Manager.

Board Member Mabee reasoned that a contamination scenario on the Clackamas River would necessitate an alternative water supply.

John Collins added that in addition to contamination, global warming may dramatically alter expected flows on the Clackamas River.

Vice Chair Norris asked if this would mean the pooling of water rights.

John Collins explained that no, it would not involve pooling of existing water rights, but would be a joint venture to own and operate a treatment plant on the Willamette river for the Clackamas basin. Feasibility is definitely the first question to ask. Lake Oswego and Oak Lodge have applications pending for water rights on the Willamette River. Mr. Collins said that he is asking for direction from the Board on whether they would like him to participate in group discussions on this issue and report back to the Board.

Board Member Burgess asked if there were other options to explore, such as the Molalla or Sandy Rivers.

Laura Schroeder added that in her opinion, the Columbia River would be the most viable.

Board Member Mabee said that one option might be to find a small town with water right permits and an antiquated system. Clackamas basin users could develop an alternative source by building and over sizing their treatment plant and perfect their water rights on top of it.

Board Member Burgess added there may be a way to bring water in through the intertie with Lake Oswego.

Board Member Gates commented that if the Clackamas River were drying up then the Willamette would be too and the Columbia may be a more viable alternative for the long term.

Chair King said his personal opinion is that discussions regarding the Willamette River would be a waste of time.

Board Member Gates asked why the discussions would be a waste of time.

Chair King replied that that the idea would not go anyplace. How many cities have the money to build an additional treatment plant and if we are not going to do anything about it, why talk about it?

Vice Chair Norris commented that finding someplace with excess water rights to develop could be a good idea and the discussions are a good place to start.

Board Member Gates added there may be a community whose economy is going south and the town needs help in bolstering the economy and in developing water rights.

John Collins mentioned that he attended a joint meeting between the cities of Lake Oswego and Tigard and the Intergovernmental Water Board (Board was updated in an email dated 7/19/2007). Mr. Collins passed out a copy of the PowerPoint presentation that was given at the joint meeting. The City of Tigard and the City of Lake Oswego are jointly studying the possibility of merging their water sources together. Lake Oswego has the need to expand their treatment plant and Tigard has the need for a permanent water source. Lake Oswego would be using their excess water rights to supply Tigard.

Vice Chair Norris asked Mr. Collins to talk about the possibility of South Fork being considered as a supply option for the City of Lake Oswego. Years ago, South Fork was considered an option.

John Collins explained that Lake Oswego's treatment plant is at maximum capacity on hot summer days. They are starting a very comprehensive conservation program to reduce the demands on their system and thus delay expansion of their treatment plant. Lake Oswego may be interested in an option to buy water from South Fork Water Board. There are concerns about the means of bringing South Fork water to Lake Oswego, in particular about the infrastructure over the bridge that supplies West Linn. It simply isn't big enough to supply Lake Oswego for the long term. If that line was larger, or there were a second line, we could supply up to 4.5 to 5.0 million gallons per day through the West Linn intertie. South Fork has the water rights and could expedite build out to meet their needs.

Vice Chair Norris said that if it is in South Fork's best interest, it is important to make a stronger pitch to Lake Oswego about South Fork as a water source. There could also be some benefit to redundancy across the river.

John Collins explained there would be a residual benefit in a bigger conduit across the river for emergency supply in both directions. Resistance from the City of Lake Oswego will come from the fact that they have a water treatment plant they have spent millions on, and that still needs millions of dollars in upgrades. They believe that in negotiating a deal with Tigard, they would own a brand new treatment plant and line.

Board Member Burgess said the Board shouldn't lose sight of the fact that a deal between Lake Oswego and Tigard is an equity issue as opposed to a sales agreement.

Vice Chair Norris commented the Board is circling around this issue and should give the General Manager some direction. Maybe Mr. Collins could send a letter to the City of Lake Oswego contact (Joel Komarek) that clearly states the desire to talk about South Fork's ability. The Board would approve the letter before it is sent.

Board Member Mabee added that the letter needs to say there appears to be some misinformation about South Fork's ability to provide water to Lake Oswego. The letter needs to explain South Fork's current ability and situation. Lake Oswego will then have in writing that South Fork has capacity and there will not be any misunderstanding.

Vice Chair Norris said the City council should have access to this information as well.

Board Member Burgess commented that if the letter is going to the City council it may be more appropriate that it come from Chair King. Mr. Collins can write the letter, and Chair King can sign it.

Board Member Burgess moved to approve the South Fork Water Board General Manager to participate in the discussions regarding the feasibility of an alternate supply. Board Member Mabee seconded the motion. MOTION CARRIED 5-0. Ayes: Gates, Mabee, Burgess, Norris, King; Nays: None.

John Collins continued the update of regional issues by explaining the Regional Water Providers Consortium has been awarded a grant for three portable emergency water supply systems. These portable units are designed to fill one gallon bags with potable water. It has not been determined exactly where these units will be housed, but there is likely to be one for each of Clackamas, Multnomah, and Washington counties. The units can be easily moved on a flat bed truck. On the horizon is the possible purchase of a portable reverse osmosis treatment plant.

(6) Business from the Manager

John Collins said that earlier in the week he sent out an electronic copy of the by-laws for the Clackamas River Water Providers for Board review in order for the group to move forward with the 'Joint Water Resource Management and Conservation Program.'

Board Member Burgess moved to approve the By-Laws of the Clackamas River Water Providers Agreement. Board Member Mabee seconded the motion. MOTION CARRIED 5-0. Ayes: Gates, Mabee, Burgess, Norris, King; Nays: None.

Laura Schroeder commented that article 9 (page 9) of the by-laws are not clear regarding whether each of the Boards involved have to unanimously approve the by-laws and any amendments or does the unanimous vote apply to the group as a whole. The following verbiage is suggested for Article 9 of the Clackamas River Water Providers By-Laws:

The By-Laws of the Clackamas River Water Providers shall be adopted unanimously, which requires approval by each participant's respective elected board, commission, or council. Upon adoption of these by-laws, participating members agree to follow the guidelines set forth in this document.

The By-Laws may be amended by unanimous vote of the Clackamas River Water Providers, which requires approval of each participant's respective elected board, commission, or council. Amendments shall be brought to the group assembly by a current member. All members shall be given adequate time to review and discuss any proposed amendments to the By-Laws.

Board Member Burgess moved to amend the previous motion approving the By-Laws of the Clackamas River Water Providers Agreement with the suggested changes to Article 9. Board Member Mabee seconded the motion. MOTION CARRIED 5-0. Ayes: Gates, Mabee, Burgess, Norris, King; Nays: None.

John Collins said the second issue under 'business from the manager' is an update on the South Fork Water Board reservoir project. A presentation on the proposed reservoir was given to the Park Place Neighborhood Association Land Use Committee on August 22nd. The response from those attending the meeting was favorable. Mr. Collins shared a poster of what the completed reservoir should look like. The reservoir will have a very low profile of approximately 18 inches above ground.

Board Member Burgess asked if a green roof on the reservoir has been considered.

John Collins responded that a green roof would require another nine to twelve inches of concrete and a more complex under drain system. A cost analysis is being done to determine if it is possible to consider the option under the approved budget.

John Collins said that he received a letter from B&B Leasing that expressed an interest in the South Fork Water Board old intake property on Clackamas River Drive. Mr. Collins said he met with B&B Leasing owner Pamela Bloom and she looked over the intake property. They are interested in a lease or long term rental agreement to utilize the property as a storage facility for empty drop boxes, containers and roll carts. B&B Leasing would be willing to modify the fence, paint the outside of the building, and maintain the property and grounds.

Board Member Burgess asked if South Fork has been pressed to dismantle the old intake.

John Collins responded that has not happened.

Board Member Burgess asked if this would raise attention to the issue of dismantling the old intake. Another concern would be environmental issues since the company wants to use the site for drop boxes that may have detritus in them.

John Collins said the containers are emptied and cleaned before storage. B&B Leasing is willing to landscape the property and bring in power.

Chair King said whatever lease might be negotiated should require B&B Leasing to handle all permitting, liability and environmental issues.

Board Member Gates said there should be a clause in the agreement that would allow South Fork to opt out.

Board Member Mabee said he wasn't sure how close neighbors are to the old intake property, but that South Fork might want to restrict the hours of activity on the property so that trucks are not moving containers around at 2:00 a.m.

John Collins replied that there are two neighbors in the proximity of the property and this issue is one of the items to be discussed. On the term of the lease, Pamela Bloom said she would prefer a six months termination notice but would accept 90 days.

Board Member Burgess asked if South Fork has any understanding or agreement with fishermen on the Clackamas River.

John Collins explained that South Fork has never allowed public access inside of the fence.

Vice Chair Norris asked about lighting on the property.

John Collins said that when the intake was abandoned, the transformers were pulled out and power was disconnected for liability reasons. At that time it was assumed that South Fork was going to demolish the building. In 1958 when the intake was built, it was on the deepest hole on the river. That changed with the flood of 1964 when the river moved its course and a rock barrier formed near the intake. One could make the case that we are not sure what the future is going to bring and this may be an intake structure that could be usable again some day.

Board Member Mabee agreed that the river may shift its course again someday and open the old intake up for summer use again. Also, at some point the old intake might be used in winter to restock aquifers and well fields.

The South Fork Water Board unanimously agreed the General Manager should pursue this issue with B&B Leasing.

John Collins said the last issue under business from the manager concerns SDC credits and asked South Fork attorney, Laura Schroeder, to update the Board.

Laura Schroeder explained that SDC credits have been pursued on behalf of South Fork Water Board. A memo was handed out to the Board explaining the application process and defining qualified public improvements that are eligible for SDC credits. The South Fork Water Board project does not qualify for SDC credits.

John Collins said that a book has been put together for Board members as a reference. This book can be amended and/or added to as Board needs dictate.

Board Member Gates asked if each section could be set up as a link through the South Fork Water Board website.

John Collins responded that would be done, although it will take some time.

Board Member Mabee requested that a total water rights summary for the Clackamas basin be added under the water rights section of the book and that any changes or additions be left in the pocket of the binder for each Board member to make themselves.

(7) Business from the Board

None.

(8) Adjourn meeting.

The August 23, 2007 meeting of the South Fork Water Board adjourned at 7:20 p.m.

(9) Executive Session Convened Following Regular Meeting

(A) To consider information or records that are exempt by law from public inspection pursuant to ORS 192.660 (2)(f).