

SOUTH FORK WATER BOARD
MINUTES OF BOARD MEETING
October 11, 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
Kim Brown, SFWB Staff

Others Present: Jim Whynot, City of West Linn Public Works
Alice Richmond, City of West Linn

General Board Meeting

(1) Call to Order

Chair King called the meeting of the South Fork Water Board to order at 6:03 p.m.

(2) Public Comments

Alice Richmond, 3939 Parker Way, West Linn, addressed the South Fork Water Board with concerns relating to the Oregon City Bridge on the Willamette River.

(3) Consent Agenda - Approval of minutes of the August 23, 2007 South Fork Water Board Meeting.

Vice Chair Norris moved to approve the minutes of the August 23, 2007 Board meeting with the above correction. Board Member Gates seconded the motion. MOTION CARRIED 5-0. Ayes: Gates, Mabee, Burgess, Norris, King; Nays: None.

(4) South Fork Water Board Letter of Interest to the City of Lake Oswego.

John Collins said that at the last South Fork Water Board meeting, the Board directed the General Manager to prepare a letter to the Mayor of Lake Oswego that explains the Board's interest in selling water. A draft letter has been presented to the Board for consideration and direction.

Board Member Burgess suggested the following changes:

- 1) The letter should state that even if the City of Lake Oswego does not get water from the South Fork Water Board, the Board stands by ready to assist and cooperate with them in any of their future needs. The point is they may still need us to use that intertie for construction purposes or whatever, and we may want to soften the letter to say that we are here to help.
- 2) Because Lake Oswego is working with Tigard, does the Board want to cc this letter to the City of Tigard?
- 3) In the second paragraph, change “would” to “could” and add a following sentence stating “This is not the case.”
- 4) Make the last sentence of the third paragraph part of the conclusion.

Board Member Mabee said he was in agreement with Board Member Burgess regarding the second part of the letter. Also think it needs to state that South Fork has ample capacity and West Linn is making the changes to the infrastructure. The letter needs to clearly explain that pretty much today, we can turn a tap and start supplying water and it will only get better as time goes on. South Fork has water and can get it to their City, and the water will get to them even smoother when West Linn has completed their infrastructure changes.

Board Member Burgess added that the real issue is capacity and the rest is just engineering. If Lake Oswego is interested in South Fork as a supply option, the City of West Linn would then look at their Master Plan differently than if just planning for itself.

Vice Chair Norris moved to approve the South Fork Water Board letter of interest to the City of Lake Oswego with the aforementioned suggestions. **Board Member Gates** seconded the motion.

Vice Chair Norris asked to withdraw her motion and rather than write a letter by committee, let the Chair approve and sign off on the letter.

Board Member Burgess moved to change the motion to read only that the Board considers the aforementioned suggestions to the South Fork Water Board letter of interest to the City of Lake Oswego. **Board Member Gates** seconded the motion. **MOTION CARRIED 5-0. Ayes: Gates, Mabee, Burgess, Norris, King; Nays: None.**

John Collins clarified that he will redraft the letter (to Lake Oswego) and have the Chair sign off on the letter.

Chair King asked that the letter be single spaced.

(5) **Legal Representation for the South Fork Water Board**

John Collins explained the South Fork Water Board contract with Schroeder Law Offices expires at the end of December 2007. Mr. Collins said he is asking the Board for direction on whether to proceed with negotiating a continuation of that contract or if the Board would prefer going through the process of advertising for legal services with an RFP to review other candidates.

Board Member Mabee commented that at this point, his preference would be to continue with Schroeder Law Offices because the South Fork Water Board is right in the middle of the permitting process and changing horses in the middle of the stream is never a good idea. The Board would probably lose some ground with all of the work that has already been done and a two or three year extension would be appropriate.

Board Member Burgess asked Mr. Collins if he thought the Board has been getting adequate service from Schroeder Law.

John Collins replied that yes, the Board has been getting adequate service. The only issue would be Laura's (Schroeder) availability; she is in incredibly busy. She has a very good understanding of Oregon water law and has the reputation of being very aggressive in water rights with an outstanding record of successes. Mr. Collins added that he is comfortable working with Laura.

Board Member Burgess expressed concern that when Laura Schroeder Law Offices was hired, it was a very difficult time for South Fork in terms of attracting competent people. It may be okay to see what else is out there. South Fork is unique, it isn't just about water, and because of the way the Board serves West Linn and Oregon City, it is not the same thing as a special district. Laura is not up to speed with municipal law and the Board saw that when looking at the issue of street improvements. If the Board continues with Schroeder Law, Mr. Collins needs to be on top of that when working with Laura and possibly hire special expertise when needed. Laura's approach to the rotation agreement was very impressive. If the board decides to continue with Schroeder Law, there are some changes that could be made to the contract.

Board Member Gates added that he wasn't certain how large the community of water right lawyers is, but if Laura has such good experience, the Board should keep her on their side.

Chair King said that he didn't see any reason to change. While Laura Schroeder is not particularly knowledgeable about municipal law, or at least land use law, he has been generally pleased with her performance.

Vice Chair Norris said she reserved the right to speak last since she was around (as a member of the South Fork Water Board) at the time Laura Schroeder was hired. When Schroeder Law was hired, there were other qualified and very good firms that applied for the opening too. However, after listening very thoughtfully to all of the Board comments tonight, the suggestion to renew the contract for another two years seems like a good idea. It should be noted that this Board did not hire Schroeder Law and a couple of Board members have only worked with Laura for one year. Any holes in municipal law can be filled in with other counsel.

Board Member Mabee moved to extend the contract with Schroeder Law Offices for a two-year period. Board Member Gates seconded the motion.

Vice Chair Norris mentioned that Board Member Burgess had suggested changes to the contract language and asked the Board how they would like to go about making changes to the contract.

John Collins proposed that he could incorporate the suggested changes from Board Member Burgess and also ask other local water agencies for copies of their recent legal service contracts as a guideline and compose a draft for Board review.

Board Member Burgess added the contract needs to give the General Manager leeway to excuse legal counsel from attending Board meetings when it is not needed because sometimes there just aren't any legal issues being discussed.

MOTION CARRIED 5-0. Ayes: Gates, Mabee, Burgess, Norris, King; Nays: None.

(6) Update on Regional Issues

John Collins provided Board members with copies of a guidance manual on preparing for climate change prepared by the University of Washington.

Vice Chair Norris said several citizens have asked her in recent years why South Fork is not using solar panels like some other water districts.

Board Member Burgess commented that the Energy Trust of Oregon had completed an energy audit on South Fork facilities in the past. There may be other ways to save now and there are dollars out there and it could be a good time to schedule another energy audit.

John Collins described some of the energy and financial savings that resulted from the last audit and said that it is getting close to the time for South Fork to qualify for another energy audit.

Board Member Mabee said that right now there is community interest, Board interest and the financial ability that if something is on the edge; with maybe a five year payback instead of a one or two year; a technology may be worth considering whereas a few years ago it would not have been feasible.

Vice Chair Norris will send Mr. Collins the information she received about another utility in Oregon.

John Collins continued with regional issues by explaining a recent proposal for a drug take back program discussed at the Oregon Water Utility Council (OWUC) meeting. Most people dispose of unused pharmaceuticals by flushing them down the toilet which eventually sends them right back into our rivers. The water industry is moving forward with a letter of support for a drug take back program. In the next month or two we will have more information and possibly a draft letter for the Board to consider.

Board Member Burgess asked if this meant the South Fork Water Board would actually take back unwanted products.

John Collins responded that logistics are still being discussed, but one idea is for a partnership between water/wastewater agencies and pharmacies that provides some sort of lock box at pharmacy locations for people to drop off unwanted products.

John Collins took a few minutes to show an American Water Works Association (AWWA) video presentation "Only Tap Water Delivers".

Board Member Burgess said it might be a good idea to show this video on Willamette Falls TV and to be sure to add a trailer that the presentation was sponsored by their water provider; South Fork Water Board.

(7) **Business from the Manager**

John Collins explained that the Clackamas River Basin Council (CRBC), a voluntary organization supported by South Fork through the Clackamas River Water Providers; works to improve water quality in the Clackamas Basin. The CRBC recently received grant funding for various local projects that include increasing fish passage in Clear Creek, a tributary of the Clackamas River. A section of the original South Fork Water Board old mountain line crosses Clear Creek. In order to enhance fish passage along this tributary, the CRBC is asking the South Fork Water Board for permission to remove the unused pipeline section in the creek. Mr. Collins said he was asking if the Board would like to grant permission for this section of the pipeline to be removed. South Fork will need to make sure there is a plan between the CRBC and the contractor (removing the pipe) to cap the pipe on the up and down stream sides and to make sure the pipe is not pressurized. The pipe will have to be capped, plugged and decommissioned.

Vice Chair Norris asked if a DSL permit would be required.

John Collins replied that all permitting would be taken care of by the CRBC.

Board Member Burgess asked to clarify that this is an abandoned line and that this discussion is about removing only the section that crosses the Clear Creek.

John Collins confirmed.

Board Member Gates asked if the pipeline might be worthy of historical significance.

John Collins said that was a good point because in 2015, the South Fork Water Board will be 100 years old and he would like to keep a section of the pipe on display at the plant and also possibly make some sort of South Fork mementos from small pieces.

Board Member Mabee questioned whether there was any chance that as long as the pipe is there, could there be a threat that South Fork would utilize water rights from the Memaloose.

John Collins answered that too many sections of the old mountain line are missing to use it again.

Board Member Burgess moved to approve the Clackamas River Basin Council to removal the unused section of pipeline that crosses Clear Creek. **Board Member Gates** seconded the motion. **MOTION CARRIED 5-0. Ayes: Gates, Mabee, Burgess, Norris, King; Nays: None.**

John Collins updated the Board on the letter of interest from B&B Leasing to lease the old intake property as a storage facility. They have run into opposition from the county regarding the conditional use permit. While it is not looking favorable, the outcome has not yet been decided.

John Collins said that as a quick update, many local water entities are in support of beginning the Willamette River discussions.

(8) Business from the Board

Chair King said he received an email from Special Districts Association of Oregon (SDAO) about awards and he wanted to suggest that South Fork's Environmental Coordinator, Kim Swan be nominated for her work in conservation, that John Collins be nominated for the energy savings he facilitated, and that South Fork's most senior people on the Citizens Advisory group be recognized. This is a way to reward and thank people and a way to generate recognition for South Fork.

Board Member Burgess asked how much work is involved for South Fork staff and that if it is lengthy, we may want to find someone to do it.

John Collins thanked Chair King for the recognition and added that SDAO is an excellent organization that has a lot of great programs and this is another way for South Fork to interact with them.

Chair King said that he was nominated to be on the AWWA Public Officials Forum and would like to ask the Board for their approval and to request that South Fork pay his way to the meetings.

John Collins said after serving on a national committee, there would be at least two meeting per year.

Board Member Burgess moved to approve and endorse participation by Chair King in the AWWA Public Officials Forum. Vice Chair Norris seconded the motion. MOTION CARRIED 5-0. Ayes: Gates, Mabee, Burgess, Norris, King; Nays: None.

Board Member Burgess mentioned that South Fork's former Environmental Coordinator, Kim Swan, gave a presentation on behalf of South Fork to West Linn group about water conservation and did an excellent job. (Note: Kim Swan is now Water Resource Manager for the 'Joint Water Resource Management and Conservation Program' as part of the Clackamas River Water Providers.)

(9) Adjourn Meeting

The October 11, 2007 meeting of the South Fork Water Board adjourned at 7:35 p.m.