

***Willamette River Water Coalition
Board Meeting Minutes
Thursday, January 29, 2009***

WRWC Board Members or Alternates present:

Ed Truax – WRWC Chair, Tualatin City Council
Lee Weislogel – WRWC Vice-Chair, Sherwood City Council
Richard Burke – TVWD Board of Commissioners
Sydney Sherwood – Tigard City Council

WRWC Member Staff present:

Todd Heidgerken – Tualatin Valley Water District
Craig Sheldon – City of Sherwood

WRWC Staff present:

Tracy Rutten – Western Advocates Incorporated
Kelly Ross – Western Advocates Incorporated
Clark Balfour – Cable Huston Benedict Haagensen & Lloyd LLP

Guests & Members of the Public present:

Dolores Hurtado – Families for Safe Water
Kathy Newcomb – Citizens for Safe Water
R.K Newcomb – Citizens for Safe Water
Colm Brennan – Families for Safe Water

I. Call to Order

Chair Ed Truax called the meeting to order at 6:30 pm at the Sherwood City Hall City Council Chambers at 22560 SW Pine Street, Sherwood, OR 97140.

II. Review and Approval of Minutes

The board reviewed minutes from September 24, 2008.

The board made no changes to the minutes.

Lee Weislogel moved approval of the minutes as presented. Richard Burke seconded the motion. Sydney Sherwood abstained from the vote. Motion to approve the minutes as presented was approved.

III. Bylaws Amendments

Tracy Rutten referenced a document that was included in the board packet with a tracked changes version of the proposed bylaws amendments. She commented that the proposed amendments to the bylaws were distributed via email to the board and also to the public with a second meeting notice. She commented that the amendments are mostly housekeeping in nature. The amendments on page one of the tracked changes document under article 2a were proposed to reflect the current WRWC membership as there are members listed in the bylaws

who are no longer participating on WRWC. Those members who were deleted include Canby Utility Board and the City of Gladstone. Page three lists the authority of the board and the amendments seek to insert language into item one which states that the Board shall approve and amend the annual work plan and budget by February 1 for the upcoming fiscal year. The language to be inserted would read that the board shall adopt the work plan and budget by February 1 or as soon as reasonably possible thereafter in order to allow for greater flexibility. For example, the board will be asked to approve the proposed budget and work plan for 2009-10 at this evenings meeting, but should any board member have questions or concerns that would warrant additional time, this would allow for that. We will still attempt to complete this by February 1 each year. On page five, article 3 the proposed amendments make changes to the provisions regarding the number of board members that constitutes a quorum. The changes reflect that with an even membership of four, that a quorum will consist of three members and approval of any board item needs to be approved by three members.

Richard Burke moved approval of the proposed amendments to the bylaws as reviewed. Sydney Sherwood seconded the motion.

Chair Truax acknowledged that the motion was made and seconded to adopt the amendments to the bylaws and asked for any public comment on the proposed changes. He read into the record an email that he received from Marissa Houlberg who requested that the board insert language into the bylaws that expresses the coalition's intent to help protect the source water.

Kathy Newcomb asked for clarification on what was meant by source water.

Chair Truax clarified that he interpreted Ms. Houlberg's comments to mean that she was referring to the raw water in the river. She (Ms. Houlberg) is talking about this group taking more of an active role in improving the quality of the raw water in the river. Chair Truax indicated that he can't see how the board could argue with that but indicated that he didn't intend to make any further changes to the bylaws outside of the proposed amendments that the board has before them (in the tracked changes document) because the bylaws that we have before the board this evening leave the door wide open to accomplish this and the work plan further speaks to this issue.

Motion to adopt the proposed amendments was approved unanimously via voice vote.

IV. Draft Work Plan

Chair Truax directed the board's attention to the two-page document included in the board packet entitle WRWC Draft Work Plan: 2009-10. The first objective in the draft work plan is to receive and hold water rights on the Willamette River which includes the objective of continuing to monitor legislative and administrative processes affecting the existing water right and potential future water rights. The second objective includes the creation of community, industry and government partnerships – this is what we were talking about earlier in the meeting. We can begin identifying organization to partner and coordinate with on future water demands. Objective three is the promotion of efforts to maintain the highest possibly quality water in the Willamette River which includes a list of action items that all seem to be appropriate. Objective four is to maintain clear and consistent communication with members,

partners and the public about the mission of the board and the Willamette River. Under this objective, the first item listed is maintaining the website. The website either needs to be an asset to our mission or needs to be taken down. We should, by now, have updated pages for each of the members. We need to tell a better job of explaining what we are currently working on (on our home page), include links of partners as we identify them, and generally beefing up the webpage and making it current.

Lee Weislogel noted that the Media Source Guide also needs to be updated.

Tracy Rutten noted that there is a new page which lists board meeting dates (past and upcoming) and as minutes are adopted they will be posted to the website. Tracy inquired as to whether it might be appropriate to create a sub-group to look at the changes that need to be made as she would not be comfortable updating the information on her own and without the input of board members.

Chair Truax volunteered to work with Tracy on the website updates.

Chair Truax continued in his review of the draft work plan and the internal communication component listed under objective four. He noted that it was an interesting concept to invite speakers to present on issues before the board. He asked what the board thought about this item and whether they would be interested in having a speaker such as a state climatologist or the Army Corp of Engineers. If this isn't something that the board would be interested in we should take it out.

Tracy Rutten noted that this was included as a result of her review of a previous work plan that had been approved by the board.

Sydney Sherwood suggested that it would be appropriate to have someone come and speak if an issue came up.

Chair Truax noted that this has occurred in the past and that the board has had presentations when an issue has arisen but that this specific action item seemed to talk to an informational presentation. Should it be more situational rather than a guest speaker just for the sake of having one?

Craig Sheldon commented that if an issue comes up, then a speaker should be invited in to present information if desired by the board. It should be situational only.

Chair Truax reviewed the final objective five in the draft work plan which includes the ownership and use analysis which I can't imagine the board getting to in the next year. He inquired whether the board had anything further to add or delete.

Craig Sheldon suggested that the board add an item that speaks to a regular evaluation of the core direction of the organization. This item would assess, on a regular basis, whether we are on task or whether we want to modify the direction. This could be a semi-annual update.

Chair Truax suggested that as a regular part of every meeting, that there is a report of a list of all of the things that are being actively worked on and the status of those items rather than a semi-annual or annual check-up as we only meet on a quarterly basis.

Chair Truax asked if there was any comments from the public in the audience on the draft work plan.

Kathy Newcomb requested that the board remove the words state climatologist under objective four, internal communication item 1a but leave the topic of global warming.

Tracy Rutten suggested that the language under 1a and 1b would be removed as the board had decided that they would like to have situational presentations only and not refer to anyone specifically.

Chair Truax commented that we would also remove specific topics so that we do not leave something off and leave it open to the board to decide. He suggested that Kathy Newcomb could create a list of potential speakers and topics that she thinks would be appropriate for the board to consider and send it to Tracy Rutten and himself.

Lee Weislogel made a motion to adopt the 2009-10 Work Plan as amended. Sydney Sherwood seconded the motion. The motion was approved by the board via voice vote.

V. Proposed 2009-10 WRWC Budget

Tracy Rutten directed the board's attention to a handout included in the board packet and page two of the document which outlines the 2009-10 proposed budget which is an approximate 20% reduction from the previous year's total budget in order to reflect the current work load of the board and based on the year-to-date actual budget thus far. Page one of the document includes a comparison from the 2008-09 budget and the year to date actual budget for 2008-09. The 2009-10 proposed budget is listed in the third column on page one of the document. The total budget proposed is \$99,600. The bottom section includes information on the projected dues for each member for 2009-10. The dues are calculated based on a formula with a portion of the dues total calculated based on an equal share of half the total budget and the remainder of the dues based on a percentage based on number of meters. Tracy reported that the number of meters is current and reflects number of meters as of December 31, 2008. The projected dues are shaded in (fifth column) and can be compared with the 08-09 dues which are listed in the last column (seventh column). Tracy noted that the dues listed in the last column for 2008-09 were prior to the discount that was calculated as a result of applying half of the ending fund balance from 2007-08 to the dues owed for 2008-09. Tracy reminded the board that they had voted to apply half of the ending fund balance to reduce each member's dues. The dues listed in column five do not reflect any discount and if the board wishes to make a similar decision to reduce the 2009-10 dues, they will need to make a motion to do so. In the case that a board member is asked why the dues listed on the proposed budget are higher than what was paid for the previous year's dues, it is because of the discount and should the board decide to apply half of the ending fund balance again, the 2009-10 dues will be less than what was paid in the year previous.

Chair Truax inquired whether we know what half of the ending fund balance would be.

Tracy Rutten responded that we wouldn't know that until after June 30, 2009 (the end of the current fiscal year).

Craig Sheldon asked how much money would be in the bank at the end of the fiscal year for 2008-09.

Tracy Rutten replied that the fund balance at the beginning of the year was \$139,404 and balance at the end of the previous month (December 31, 2008) was \$168, 574.

Richard Burke questioned whether the board needs to have such a large balance.

Chair Truax asked what another five months of expenses would cost.

Tracy Rutten responded that it there should be approximately \$5,000 to \$6,000 per month in expenses for the remaining six months of the current fiscal year.

Chair Truax suggested that the board spend \$50,000 to cut the total dues in half for each member.

Richard Burke made a motion to apply \$50,000 toward the total dues owed in order to lower them for each member by approximately half. The motion was seconded by Lee Weislogel. The motion was approved by the board via voice vote.

Richard Burke made a motion to adopt the proposed budget. Lee Weislogel seconded the motion.

There was a question from the audience on what legal and engineering services were being anticipated. Is it mostly legal and not engineering?

Chair Truax replied that the board has spent considerable money on legal challenges in the past, and that they like to keep money in the budget in case it is needed. The accounting category is legal and engineering but it has generally been mostly legal. The anticipation would be that the money would remain in the budget unless something unforeseen comes before the board requiring the board to spend that money.

Kathy Newcomb inquired what the \$13,000 in the public information budget might be applied toward.

Chair Truax replied that he would envision that this might be spent to update the website.

Kathy Newcomb further inquired why the water quality budget was at zero and whether the board would reconsider doing a water quality study.

Chair Truax responded that he did not foresee the board adding that into the budget at this point. He commented that the work plan speaks to the board's involvement with other organizations who are involved with water quality issues.

Clark Balfour commented that the board could always pass a resolution under Municipal Budget Law to apply money from one line item to another if they felt that was appropriate.

The motion to adopt the proposed budget was approved by the board via a voice vote.

VI. *Member Updates:*

TVWD had no report.

Craig Sheldon commented on Sherwood's pipeline project. He noted that Sherwood is at 90% drawings. The pipeline will be done in four segments to keep bond rates down. This is the plan unless Sherwood receives stimulus package funds. The first segment will be bid in April.

Sydney Sherwood commented that Tigard had signed papers in August for use of the Clackamas River in conjunction with the City of Lake Oswego.

VII. *Public Comment*

Kathy Newcomb commented that she had an understanding that the TVWD seismic study would hopefully be decided by June and that the scoping would be opening up for public hearing in regards to what people want in the title of transfer for Scoggins Dam (which she noted would have an impact on everyone in Washington County and in the Clean Water Services territory). She stated that the liability will shift which she felt was of extraordinary significance. Ms. Newcomb also stated that she understood that there was a lawsuit that had been filed regarding Tigard and Sunrise Water District and that she was interested in hearing more about what was happening with the lawsuit.

Sydney Sherwood noted that she would be learning more about this issue on Monday of the coming week.

Kathy Newcomb further commented that she had been working on making changes to a TVWD document that had been distributed at a work session that TVWD held in October. She stated that she talked with TVWD about this around October. The document is a detail paper about the Willamette River Water Treatment plant. She noted that Tracy Rutten had provided her (Ms. Newcomb) with a hard copy at the start of this board meeting. Ms. Newcomb expressed that she felt that there was a need for the information and statements to be documented and that there should have been some information regarding the water rights of the different members of WRWC. She expressed that it would be useful to have something like this posted on the website as it has been ten or so years that have passed and a lot that has occurred in those years. She has offered to document, add information, update and correct information and would like to then provide it to the board for approval. The newspapers have referred to the website and have received misinformation from the website. She commented that she has explained to TVWD that she feels it is important to list the source behind

information provided in such a document. She requested getting an electronic copy so that she could manipulate the document.

Clark Balfour clarified that the document was prepared for the TVWD work session and that we would not allow of alteration of those documents. It was a final document and that it would not be sent out to be edited and modified if not under the control of TVWD. He commented that anyone could make comments and suggestions that they might feel are needed to be made in regards to the content of the document but that no one should or would be able to manipulate that document.

Chair Truax further commented that WRWC does not have a version of the document that she could edit and that WRWC only has a pdf version. He further stated that he didn't foresee the WRWC board adopting a version that is different than what was created by TVWD as it is their work.

Kathy Newcomb suggested that such a document or a version of history from the WRWC perspective could be beneficial for WRWC to create and adopt.

VIII. Next Meeting

Chair Truax inquired as to whether the board had agreed to a next meeting date.

Tracy Rutten stated that she had been waiting to see what dates the Sherwood facilities would be available. She suggested that April 30, 2009 was available.

There was agreement among board members to hold the next WRWC board meeting on Thursday, April 30, 2009 with a start time of 6:00 pm.

IX. Adjournment

The meeting was adjourned without objection at 7:13 p.m.