

**Willamette River Water Coalition
Board Meeting Minutes
Thursday, April 30, 2009**

WRWC Board Members or Alternates present:

Ed Truax – WRWC Chair, Tualatin City Council
Lee Weislogel – WRWC Vice-Chair, Sherwood City Council
Sydney Sherwood – WRWC Board Member, Tigard City Council

WRWC Member Staff present:

Craig Sheldon – City of Sherwood
Todd Heidgerken – Tualatin Valley Water District
John Goodrich – WRWC Staff Alternate, City of Tigard

WRWC Staff present:

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

Guests & Members of the Public present:

Delores Hurtado
Maggie Kean

I. Call to Order

Chair Ed Truax called the meeting to order at 6:00 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 the minutes from the January 29, 2009 board meeting.

Lee Weislogel suggested an amendment to page six, (section seven) in the first paragraph on line four. The minutes currently read, “which she noted would have an on everyone...” The minutes should be amended to insert language into line four as follows, “which she noted would have an **impact** on everyone...”

Sydney Sherwood moved approval of the minutes as presented. Lee Weislogel seconded the motion. Motion to approve the minutes as amended was approved.

III. WRWC Financial Update – Tracy Rutten

Tracy Rutten presented the most recent financial reports from TVWD. There are reports from January, February and March of 2009. For the period ending March 31, 2009, the ending fund balance was at \$76,770. The ending fund balance (ending March 31, 2009) was at \$148,171.

IV. Final 2009-10 Budget, Work Plan & Bylaws – Tracy Rutten

Tracy Rutten explained to the board that she had updated the excel sheet that had been used during the last meeting (January 2009) in order to better outline the adopted budget for 2009-10 and lay it out in a final format. The first page of the packet distributed shows the total adopted budget which is \$99,600. The second page contains a comparison of the newly adopted budget with the 2008-09 budget as of the most recent financial report. The second page (shaded column along the bottom of the page) also outlines total dues for each member for the 2009-10 budget. Tracy reminded the board that the total dues does not reflect the decision that was made by the board during the January board meeting to apply \$50,000 from the ending fund balance toward the total dues owed for 2009-10. The third page in the packet shows both the total dues owed prior to the “ending-fund balance discount” and also contains the total discounted dues owed. Tracy further reminded the board that WRWC members pay dues based on a formula which calculates half of the total dues owed based on an equal share amount with the remaining half proportionately based on total number of meters for each jurisdiction.

Tracy Rutten directed the board’s attention to a final updated work plan which includes changes made to objective five under “internal communication.” The change made in the work plan reflects the boards desire to allow for speakers as requested by the board rather than listing out potential speakers within the work plan. Tracy also distributed a memorandum regarding the status of the WRWC work plan as there was a desire voiced during the last meeting for regular status updates on the status of the items listed in the work plan. There is a status update under each objective. There has been a significant amount of work done under objective number four (external communication) in order to hire a consultant to update the website and make it more user-friendly. Ed Truax noted that he would be interested in having a legislative update presentation made at the next board meeting. Tracy directed the board’s attention to the status update under objective one in the memo which asks the question as to whether the board would like to have a final legislative presentation. There was no objection from the board to having a legislative presentation at the next meeting. Tracy will contact someone to come and make that presentation.

V. *WRWC Website Update*

Chair Truax reminded the board that at the last meeting in January, Tracy and Ed were appointed as a subcommittee in order to work on the WRWC website and making sure that it is updated. There is a line item in the budget for public information and that the website update would be an appropriate expense within this budget line item. Chair Truax reported that he and Tracy had met with an individual by the name of Maggie Kean and had invited her to this meeting in order to present to the board her thoughts on how she would philosophically approach the website update and issues that she sees with the current website. Chair Truax expressed his goal to have the website updated and then regularly updated on a quarterly basis to reflect the current activities of WRWC and its members. He noted that with appropriate systems and protocols that the website should be able to be updated on a regular basis without too much difficulty.

Chair Truax invited Maggie Kean up to present to the board.

Maggie Kean displayed the current WRWC website on a projector for the board and public audience to view. She demonstrated problems with the current website including broken links, out-of-date information, and other errors. She explained her educational and professional background to the board. She expressed her thoughts that the project and redesign would result in a simplified website.

Chair Truax commented on Ms. Kean's experience with the Metolian website which has given her experience in dealing with contentious issues.

Tracy Rutten commented on the difficulty of navigating the current website and finding information such as past meeting minutes.

Chair Truax commented that it would be nice to have more frequent updates regarding what is happening with each member and that they should be written with a similar format. He noted that the Sherwood description does not accurately depict what is currently happening in the city.

Chair Truax suggested that there be a motion by the board to have Tracy Rutten enter into an agreement with Maggie Kean to have an initial update to the WRWC website. This would be a contract to get the current website updated. We could look at having another contact later down the road if we would like to continue to have Ms. Kean maintain the website, but this would be an agreement for the initial start-up.

Chair Truax informed the board that he was declaring a conflict of interest under ORS Chapter 244 and that he would abstain from voting on the motion as Ms. Kean is a relative.

Lee Weislogel inquired as to whether the motion would allow for Tracy Rutten to sign the agreement or whether she would be bringing a contract back to the board for the board's approval.

Clark Balfour commented that the board could award a personal services contract or delegate the authority to Tracy Rutten to award a personal services contract so long as that contract does not exceed \$5,000.

Lee Weislogel inquired as to whether the board could make a motion to delegate the negotiation of the contract to Tracy Rutten as there is one board member absent from the meeting and one board member who has recused himself from the vote.

Clark Balfour noted that Lee Weislogel was correct and that the board would need three affirmative votes in order to approve the motion. He suggested that Tracy Rutten could work on negotiating the contract and could then have the board meet via phone in order to approve the contract.

The board inquired whether they could approve the contract via email. Clark Balfour replied that this would not be possible as the public would need to have an opportunity to participate. The phone conference meeting would need to be publicly noticed with an invitation for members of the public to participate.

(The board attempted to contact Richard Burke via cell phone but was unsuccessful.)

Tracy Rutten will put together a scope of work, budget and contract for the website update and the board will meet via telephone conference in order to approve the contract.

VI. *Status of Water Right Application/WRD Correspondence*

Clark Balfour noted that there were a couple of issues that developed in recent weeks regarding water rights. He reviewed over the history of the 1973 permit that WRWC obtained an extension for awhile ago. In the agreement there was a provision which recognized the pending 1995 application for the City of Tigard for 40 cfs in Willamette River water rights (about 26 mgd). There was also a provision in the agreement that if Tigard would give up that application which it has been sitting on hold at the Water Resource Department (WRD) since 1995 that we would allocate 26 mgd (or 40 cfs) to Tigard from the 1973 permit. That was a discretionary choice by the City of Tigard and also showed how we as WRWC plan to use the 1973 permit as part of our extension process. Tigard has now withdrawn its application from the WRD and per our agreement (Section 5.3) Tigard is now allocated 26 mgd of the 1973 permit. When you consider this allocation to Tigard, plus the 5 mgd assigned to Sherwood and the additional 5 mgd promised to Sherwood, WRWC is left with 94 mgd of the 130 mgd from the 1973 permit.

Clark further commented on a notice that TVWD received for an application that it has had on hold since 1993. In 1993, TVWD applied for 250 mgd (387 cfs) but like the City of Tigard application, that permit went into administrative hold and has been there ever since. We all agreed at one point to put any pending 1990's era permit applications on hold while we move toward solidifying the 1973 permit. This really was the genesis of WRWC. WRD has said that they don't think they can grant any further administrative holds and that they think that TVWD should withdraw their application. Clark commented that after talking with staff that he felt it would be a good idea to withdraw this application for 250 mgd as we would be hard pressed to successfully put through this application when you take into consideration the amount of water that we have under the 1973 permit and the need to grow into that under our extension. He noted other considerations as well including the availability of water in the river today, the impact of the Willamette biological opinion from the Army Corp. of Engineers, and the public interest and viewpoint of the public regarding holding on to this amount of water.

Clark suggested that staff should be directed to not move forward on the pending application and to take it off the table and to move forward on the 1973 permit.

Todd Heidgerken commented that one of the challenges in seeking approval of the application was that TVWD would need to demonstrate how they are going to use the application in the

next 20 years and that he did not know how they could possibly make this argument in light of the extension of the 1973 permit.

Clark noted that this does not mean that we could not reapply at some point in the future.

Clark inquired whether the board was comfortable in directing staff to advise WRD that we (TVWD) would withdraw the application.

Chair Truax questioned whether the board had any concern with providing staff with the direction and there was no concern expressed by the board members present regarding the withdrawal of the pending permit applications.

VII. *Public Comment*

Chair Truax sought out comments from the public audience.

Delores Hurtado questioned whether the board would be taking comments and suggestions for the website update at this meeting.

Chair Truax responded that he would not be taking suggestions at this point and that once the process of cleaning up the website has begun that he would anticipate that we would be well underway of having the website fixed and that the next meeting would potentially provide a good opportunity for the public to comment on the website at that time.

Ms. Hurtado inquired as to when the minutes would be posted on the website.

Chair Truax responded that staff had thought that the minutes were being posted only to discover that they were not posted by the website hosting company in a timely fashion. Once this was discovered, contact was made with the vendor and the minutes were posted.

Tracy Rutten noted that the previous meeting minutes and board meeting dates for past and upcoming meetings had never been previously posted and that this was a new menu tab on the website. Items had been posted since the administrative staff change which occurred in July of 2008 but items previous to that time had to be located from older files, converted into PDF format and were then submitted to the website host for him to post. She noted that this process did take a little bit of time. Everything through the beginning of 2007 has now been posted. She further noted that she would like to make it easier to find previous minutes and upcoming board meeting information through the website update.

VIII. *Member Updates*

Craig Sheldon commented on the progress of the pipeline including loans that the city has applied for and that the reservoir should be completed in September or October of 2009.

Chair Truax commented that the City of Tualatin plans, as part of a future meeting agenda item, to have a discussion about getting involved in the pipeline project.

Sydney Sherwood noted that Tigard has also included involvement with the pipeline project in the city's budget.

IX. Next Meeting Date

There was agreement to have the next meeting of the WRWC board on July 23rd.

Sydney Sherwood noted that she would be unavailable to attend but that she would have her alternate attend if possible.

X. Adjournment

The meeting was adjourned without objection at 6:43 p.m.