

# Tualatin Valley Water District



BOARD OF COMMISSIONERS  
1850 SW 170th AVENUE  
REGULAR MEETING MINUTES  
NOVEMBER 16, 2011

Present: Commissioners: President Dick Schmidt, Richard Burke, Jim Doane, Jim Duggan, and Marilyn McWilliams

Management

Staff: Todd Heidgerken, Patty Rupp, Bernice Bagnall, Brenda Lennox, and Dale Fishback

Legal Counsel: Clark Balfour

Staff: Paul Matthews, Stu Davis

Public: Paul Connett, Bill Osmunson, Charlie White

Note: Unless otherwise indicated the term “Motion carried” means the action of the Board of Commissioners was unanimous.

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President Schmidt called the Regular Meeting to order at 7:00 p.m.

## REPORTS BY CHIEF EXECUTIVE OFFICER AND MANAGEMENT STAFF

As acting in capacity, Manager of Community and Intergovernmental Relations, Todd Heidgerken, provided the managers report as CEO, Greg DiLoreto was out of town on business.

Mr. Heidgerken reported that a Board Work Session is scheduled for December 6, 2011 at 6:00 p.m. Agenda items include the second Rate Study Workshop, and the Board Meeting Process, which was originally scheduled for the August Work Session and postponed.

Mr. Heidgerken encouraged the Board members to view the auction items that Tualatin Valley Water District (TVWD) employees had donated for the annual charity auction and bake sale that would take place at 7:00 a.m. on Thursday, November 17.

The District office will be closed on November 24 and 25 in observance of the Thanksgiving Holiday.

## Departmental Report:

Chief Financial Officer, Bernice Bagnall, provided the department report.

## REPORTS OF MEETINGS ATTENDED AND COMMISSIONER TOPICS

A report was given by each Board member of meetings they attended for the month.

### PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

#### Bill Osmunson, DDS MPH – 25977 Canyon Creek, Wilsonville, OR

Mr. Osmunson expressed his concerns regarding fluoride and described it as a highly toxic substance, as well as a drug and a poison. He indicated that fluoride is exempt from poison laws when it is used as a drug. He described fluoride as illegal and indicated that it is deferred for use in drinking water. Should the public decide, per referendum, to keep fluoride, then the District should go to the Food and Drug Administration for approval. Mr. Osmunson explained that pregnant and nursing women should be cautioned. In closing, he suggested that the Board develop a committee to discuss the issue as well as holding a forum for experts to speak on the subject.

Commissioner Doane asked President Schmidt how the Board normally handles public testimony when requests to speak are presented after the meeting has begun. The consensus of the Board was to listen to all testimony.

#### Charlie White – 11965 NW Kearney St., Portland, OR

Ms. White came before the Board with concerns regarding sodium fluoride that is added to water in reference to infants receiving large amounts of fluoride when nursed or bottle-fed. She indicated that she had two questions for the Board. She questioned whether whoever is saying it is okay to add fluoride to water should be asked about this information. Ms. White indicated that she knew of 25 scientific fluoride related studies regarding lowering of IQ's. She asked the Board to inquire with various trusted government agencies that are in agreement with adding fluoride to water, if they had read these studies.

Commissioner Burke pointed out that the TVWD Board had spent a lot of time with citizens in the past on the topic of fluoride. He explained that for every study that indicated that fluoride is harmful, there would be another that said it was not. The topic is controversial. The Board has taken the position that District citizens would need to be the drivers if they wished to have fluoride removed. Commissioner Burke pointed out that to form a committee, as Mr. Osmunson suggests, the selection process would become charged and political. Commissioner Burke stressed that the citizen initiative process is the best process to be used and he indicated that he would sign a petition to place the question on the ballot. This way the campaign could be viewed as a vehicle for educating the public. President Schmidt pointed out that the Board would not circumvent the voting public. Since the public voted to add fluoride, they would have to take the initiative to remove it. Commissioner Duggan stated that not all of the TVWD service area is fluoridated. He agreed with President Schmidt and Commissioner Burke in that the decision is up to the citizens of the District, and not the Board. Commissioner Duggan added that at the last public meeting on fluoride, most of the citizens in the room speaking against fluoride were not ratepayers living in the District, however they were from various parts of the U.S. Commissioner McWilliams brought up the topic of the most recent customer attitude survey, which proved that citizens were pleased to have fluoride added to the water in the Wolf Creek area of the District. Metzger wished to remain un-fluoridated.

Ms. White asked for a copy of the Customer Attitude Survey.

Commissioner Burke directed staff to provide Ms. White with the last two studies for her reference.

Legal Counsel, Clark Balfour, explained for President Schmidt the IGA for Urban Services with the City of Beaverton in relation to fluoride.

Mr. Paul Connett, PhD, 82 Judson St. Canton, NY – Representing Fluoride Action Network

Mr. Connett expressed his opinion of fluoride and spoke of the information in relation to a book he had written titled “Fluoride, A Statement of Concern”. He explained that fluoride should be used only as a topical application, and not ingested into the body since the body has no use for fluoride. He mentioned that it is difficult to educate the public when the media is not interested. Mr. Connett stated that it is wrong to add a drug, such as fluoride to the water since the dosing cannot be controlled. He suggested that the Board determine a margin of safety, also that they listen to Ms. White and meet with an independent group with scientific training.

CONSENT AGENDA

It was moved by Commissioner Duggan and seconded by Commissioner McWilliams approving the Consent Agenda consisting of Resolution 10-11, approving annexation of 3 acres of property on Portland Community College Campus into TVWD, Work Session Minutes of October 11, 2011, and the Regular Meeting minutes of October 27, 2011. The motion carried.

RESOLUTION 09-11 DECLARING AN EXISTING EASEMENT AS SURPLUS PROPERTY AND AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO EXECUTE A DEED TO TRANSFER THE DISTRICT’S INTERESTS

When the Washington County Supply Line was designed and constructed in the early 1980’s, TVWD obtained an easement from the property owner at 7400 SW Beaverton Hillsdale Highway for construction of a future meter vault. The meter vault was not constructed at the anticipated location therefore the original easement has not been used since it was originally obtained in 1981.

Senior Engineer, Stu Davis, provided the staff report. He was aware that the Board had been briefed on this item. Mr. Heidgerken pointed out that a map of the site is located on page 30 of the Agenda Packet.

It was moved by Commissioner Burke and seconded by Commissioner Doane to adopt Resolution 09-11 as described in the Agenda Packet on page 28. The motion carried.

AUTHORIZE PURCHASE OF TOWN PROPERTY, 18755 SW KEMMER ROAD

The District requires property in this area for a reservoir site, pump station, and/or an aquifer storage and recovery (ASR) well. The property is vacant however, the seller had made limited site improvements in anticipation of future construction of a private residence. The property would provide significant potential to TVWD given that it is located adjacent to the site of TVWD's existing Cooper Mountain Reservoir and pump station.

Senior Engineer, Stu Davis, provided the staff report. He indicated that the staff recommendation is for the Board to approve by motion to authorize the Chief Executive Officer or his designee to execute all necessary documents for purchase of the Town property located at 18755 SW Kemmer Road in fee simple upon completion of the property survey.

It was moved by Commissioner Doane and seconded by Commissioner Duggan to authorize the Chief Executive Officer or his designee to execute all necessary documents for purchase of the Town property located at 18755 SW Kemmer Road upon completion of the property survey. The motion carried.

ADJOURNMENT

There being no further business, it was moved by Commissioner Duggan and seconded by Commissioner McWilliams to adjourn the Regular Meeting at 7:45 p.m. The motion carried.

BOARD OF COMMISSIONERS  
TUALATIN VALLEY WATER DISTRICT

BY \_\_\_\_\_ BY \_\_\_\_\_  
President, Dick Schmidt Secretary, James Duggan

Date Approved: December 21, 2011