

# Tualatin Valley Water District



BOARD OF COMMISSIONERS  
1850 SW 170th AVENUE  
REGULAR MEETING MINUTES  
SEPTEMBER 21, 2011

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

Management

Staff: Greg DiLoreto, Clark Balfour, Bernice Bagnall, Todd Heidgerken, Mark Knudson, Dale Fishback, Brenda Lennox

Staff: Judi Tonks

Public: Roger Burt, Charlie White

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

An executive session was held before the regular meeting at 5:30 p.m., called under ORS 192.660 2 (e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions; ORS 192.660 2 (h) to consult with legal counsel concerning the legal rights and duties of a public body with regard to litigation or litigation likely to be filed; ORS 192.660 2 (f) and ORS 192.502 (9) to consider information or records exempt by law from public inspection; ORS 192.660 2 (i) to review and evaluate the employment related performance of the chief executive officer of a public body, a public officer, employee or staff member who does not request an open hearing.

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President Schmidt called the Regular Meeting to order at 7:06 p.m.

REPORTS BY CHIEF EXECUTIVE OFFICER AND MANAGEMENT STAFF

CEO, DiLoreto reported that he had mentioned to the Board at an earlier date that the Tualatin Valley Water District (TVWD) had been awarded the AWWA, Pacific NW Section, “Excellence in Communication and Conservation for a Large Utility”. He presented the actual award, which will be placed in the main lobby.

The next Board Work Session is scheduled for Tuesday, October 11. This is one of two Work Sessions regarding the rate study.

CEO, DiLoreto reported that he would be out of the office on vacation beginning September 22 and would return October 6. Manager of Human Resources, Debbie Erickson has been appointed Acting in Capacity (AIC) September 22-23. CFO, Bernice Bagnall will cover September 26-30, and Chief Engineer, Mark Knudson will cover as AIC October 1-6.

## Departmental Report:

Manager of Customer and Support Services, Brenda Lennox, 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

Charlie White – 11965 NW Kearney St., Portland, OR 97229

Ms. White thanked the Board for the opportunity to speak. She thanked Executive Assistant, Patty Rupp, for the timely response to her recent public records request. Ms. White explained that she and her husband have lived in the District for two years, having moved from the Portland area. She indicated that she was concerned about fluoride and had joined the Oregon Citizens for Safe Drinking Water. Ms. White presented the staff's response to the public records request and spoke of her concern that sodium fluoride is cumulative and adding fluoride to water that is not related to treatment is a real concern of hers as well as arsenic and lead, which, are listed in the specifications in the public records request. Ms. White, as a ratepayer, asked for a letter of warranty saying that the product is safe for consumption.

President Schmidt read from the public records request response received by Ms. White in reference to the AWWA standards (page 2). Commissioner McWilliams provided additional information with reference to the levels of product that are added which she described as minuscule.

Mr. Knudson pointed out the reasoning behind the AWWA Standard B701-6 and the NSF/American National Standard NSF60 certification. The State, under ORS 333-061-0087 (6), requires that the sodium fluoride that the District uses is approved for use in drinking water. Mr. Knudson pointed out that TVWD is entirely consistent and in compliance with these rules, regulations and applicable standards.

Ms. White indicated that she had visited the website of the fluoride manufacturer, and questioned the standard of arsenic in drinking water in terms of the Environmental Protection Act (EPA).

The Board referred the question to CEO, DiLoreto who indicated that the EPA has also established a standard for arsenic in drinking water.

Consensus of the Board allowed Ms. White additional time of one minute to complete her testimony.

Ms. White asked for a guarantee or certificate that the stated that fluoride use by the District is safe for consumption.

Mr. Knudson pointed out that he knew of no guarantee, as described by Ms. White. As required by the State, the District participates in the State's Sanitary Survey. The State checks to be sure that TVWD is in compliance with all rules and regulations and the results have proven to be favorable.

Commissioner Burke clarified that he did believe such a document exists that specially states that the products described by Ms. White are entirely safe.

Roger Burt, 237 SE 17<sup>th</sup> Ave, Portland, OR, Representing Oregon Citizens for Safe Drinking Water

Mr. Burt came before the Board to report that material he had originally given to the District and staff at an earlier meeting had been corrected, ("What's your Fluoridation I.Q.?"). He expressed concern with recent studies within the past five years that have shown the negative health effects of fluoride, particularly the effects on children. Mr. Burt indicated that he had also given a book to the Board and Staff for their review titled "The Case Against Fluoride". He mentioned that Dr. Paul Connett would be in town the week of November 14. He indicated that that the Board may be interested in speaking with him regarding fluoride.

CONSENT AGENDA

Commissioner Duggan requested that the question be divided.

It was moved by Commissioner Burke and seconded by Commissioner Doane to approve Consent Agenda item 5.1, Work Session Minutes of August 2, 2011. The motion passed with four votes in favor and one abstention by Commissioner Duggan, as he was unable to attend the meeting.

It was moved by Commissioner Duggan and seconded by Commissioner McWilliams to approve Consent Agenda item 5.2, Regular meeting minutes of August 25, 2011. The motion carried.

2011-12 ADOPTION OF DISTRICT GOALS, OBJECTIVES AND TARGETED TASKS

Manager of Community and Intergovernmental Relations provided the staff report. A Board Work Session took place on September 6 to review the TVWD management team recommendations for the 2011-12 organizational goals, objectives and targeted tasks. These are included on page 30 of the Agenda Packet. Mr. Heidgerken pointed out that an objective was added during the Work Session, which appears on page 31 under Goal IV, objective 22, to review District personnel policies with the Board.

It was moved by Commissioner McWilliams and seconded by Commissioner Duggan to adopt the District Goals, Objectives, and Targeted Tasks. The motion carried.

LETTER OF AGREEMENT ALLOWING SERVICE BY THE CITY OF BEAVERTON TO PROPERTY WITHIN TVWD SERVICE AREA

CEO, DiLoreto provided the staff report. In 2002, TVWD entered into an Intergovernmental Agreement with the City of Beaverton (City) defining the provision of domestic water service area. The agreement has a term of 5 years, renewable every 5 years unless either party gave notice of intent to reopen. The City has given such notice. However, in the interim they have asked that TVWD allow the City to serve the property located at NE corner of Jenkins and Murray Blvd. This property is currently being redeveloped and the developer wishes to take advantage of the City's lower system development charge (SDC) and also be served by the City. The City intends to withdraw this property from the District's service area at the end of our current agreement. The City is currently constructing a 16- inch water line parallel to a District line for the purpose of serving this development. This new water line is expected to be complete around mid-October. If the developer is required to remain a District customer until the end of the current agreement, they will be forced to construct an onsite private water line connecting our system to their internal system, which is designed to be served by the City. They will then abandon this private water line when the District/City agreement ends. The City has requested that the District allow them to serve this property before the end of the agreement so that the developer can avoid the unnecessary expense, estimated at \$50,000, of the private water line.

Staff's recommendation is that the Board move to authorize the CEO to sign a Letter of Agreement with the City allowing them to provide water service to the property as described. This development is known as 45 Degrees Central. The recommendation is based on the fact that the City is intent on withdrawing the property from the service area.

CEO, DiLoreto clarified that the private water line would be a 3-inch line.

Commissioner Duggan stated that he would abstain from any discussion as well as action on this item as it presents a conflict of interest, as the City of Beaverton is his employer.

It was moved by Commissioner Burke and seconded by Commissioner Doane to authorize CEO, DiLoreto to sign a Letter of Agreement with the City of Beaverton allowing them to provide water service to the property located at the NE corner of Murray and Jenkins and as described by CEO, DiLoreto. The motion passed with four votes in favor. Commissioner Duggan abstained.

ACTION TO BE TAKEN AS A RESULT OF EXECUTIVE SESSION

CEO, DiLoreto indicated that he is a registered civil and environmental engineer with the State of Oregon and active with the American Society of Civil Engineers (ASCE) for the past 35 years. He explained that in October 2011, he will be installed as the President-elect of the ASCE. He thanked the Board for allowing him to participate on a professional level in his profession of over the last twelve years. The position requires travel and time away from the office, therefore beginning November 1, 2011 through July 31, 2012, Todd Heidgerken will serve as Acting In Capacity (AIC). From August 1, 2012 through April 30, 2013, Mark Knudson will serve as AIC. CEO, DiLoreto explained that the Board will then make a decision of whom he will work with as his successor from May 1, 2013 until his retirement date of October 31, 2013.

ADJOURNMENT

There being no further business, it was moved by Commissioner Burke and seconded by Commissioner Doane to adjourn the Regular Meeting at 7:40 p.m. The motion carried.

BOARD OF COMMISSIONERS  
TUALATIN VALLEY WATER DISTRICT

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

Date Approved: October 27, 2011