

Tualatin Valley Water District



BOARD OF COMMISSIONERS
1850 SW 170th AVENUE
REGULAR MEETING MINUTES
NOVEMBER 20, 2012

Present:

Commissioners: Dick Schmidt, Jim Duggan Jim Doane, and Marilyn McWilliams
(Commissioner Richard Burke was absent)

Management

Staff: Greg DiLoreto, Mark Knudson, Todd Heidgerken, Brenda Lennox, Paul Matthews, and Judi Tonks

Legal Counsel: Clark Balfour

Public: None

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

President Schmidt called the Regular meeting of the Tualatin Valley Water District (TVWD) Board of Commissioners to order at 7:00 p.m.

REPORTS BY CHIEF EXECUTIVE OFFICER AND MANAGEMENT STAFF

Chief Executive Officer, Greg DiLoreto, announced that the holiday luncheon is scheduled for December 20 at noon. He encouraged the Board members to attend.

The annual awards banquet is scheduled for January 26, 2013. Invitations will be sent to the Board for this event.

Mr. DiLoreto provided a brief update to the Board on the Institute for Sustainable Infrastructure as identified by the American Society of Civil Engineers sustainability initiative.

The department report was given by the Manager of the Office of Intergovernmental and Public Relations, Todd Heidgerken, of which he focused on the Districts commitment to conservation and sustainability.

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

There was no public present.

CONSENT AGENDA

It was moved by Commissioner McWilliams and seconded by Commissioner Doane to approve the consent agenda consisting of the Work Session minutes of October 2, and the Regular meeting minutes of October 24, 2012.

Commissioner Duggan commented that he would abstain from voting on the Regular meeting minutes, as he did not attend the meeting. The motion passed with three votes in favor and one abstention.

BUDGET COMMITTEE APPOINTMENT

Chief Financial Officer, Paul Matthews, indicated that in preparation of the upcoming budget process, staff had reviewed the terms of two of the five board-appointed citizen members of the TVWD Budget Committee, which expire January 2013. One committee member resigned mid-term as she had moved out of the District, which created a vacancy with the term expiring January 2015. (All members of the Budget Committee must be registered electors of the District). Oregon Local Budget Law specifies budget committee terms of four years for a biennial budget. In addition, Oregon Local Budget Law specifies that any vacant unexpired position on a budget committee be filled by appointment for the duration of the current term.

Mr. Matthews pointed out that two members whose terms will expire have expressed interest in being reappointed. The one vacancy is for the unexpired term that ends January 2015. The District advertised the vacancy. Four applicants applied. Mr. Matthews explained that he, Commissioners Burke, and McWilliams interviewed the candidates on November 1. All four candidates demonstrated a strong interest in serving. Commissioners Burke and McWilliams agreed to present a recommendation at this meeting to the other three board members to appointment Mr. Andrew Carlstrom to the vacant unexpired term.

Mr. Matthews explained the recommendation for the Budget Committee appointments and terms as follows:

- Dr. Todd Sanders (term expires January, 2017)
- Mr. Mike Whiteley (term expires January, 2017)
- Mr. Andrew Carlstrom – appoint to unexpired term (expires January 2015)

The remaining two members of the Budget Committee are within their current terms, which expire January 2015.

Mr. Matthews stated that filling all five positions is necessary for the upcoming 2013-15 biennial budget development process.

It was moved by Commissioner Doane and seconded by Commissioner Duggan to appoint Mr. Andrew Carlstrom to the TVWD Budget Committee with his term expiring January 2015. The motion carried.

RESOLUTION 12-12, AMENDING AND RESTATING THE DISTRICT'S LOCAL CONTRACT REVIEW BOARD RULES

It was moved by Commissioner McWilliams and seconded by Commissioner Duggan to recess the Regular meeting and convene as the Local Contract Review Board. The motion carried.

Mr. Matthews explained that the Oregon Attorney General made revisions to the state-wide purchasing rules as a result of recent legislation. These changes cover Architectural, Engineering, Land Surveying and other related services. Mr. Matthews stated that to comply with these revisions, District staff is presenting proposed amended Local Contract Review Board Rules (LCRBR) to the Board for their approval. (Description of changes can be found on page 50 of the Agenda packet). Mr. Matthews recognized Purchasing Agent, Wendy Burns, for her diligent work with respect to the project.

Mr. Matthews explained that the LCRBR are important to the District for these reasons:

- Transparency, use of public funds
- Insure cost effectiveness of items purchased
- Fairness to our vendors
- Compliance with the law

As the Local Contract Review Board, it was moved by Commissioner Duggan and seconded by Commissioner McWilliams to adopt Resolution 12-12, Amending and Restating the District's Local Contract Review Board Rules as described by Mr. Matthews. The motion carried.

The Board thanked staff for their efforts in amending the document, as it is lengthy.

Without objection, President Schmidt closed the meeting of the Local Contract Review Board and reconvened the Regular meeting as the Board of Commissioners.

RESOLUTION 13-12 DECLARING PUBLIC NEED TO ACQUIRE AN INTEREST IN REAL PROPERTY BY EXTINGUISHING A RESTRICTION APPLICABLE TO PROPERTY OWNED BY THE TUALATIN VALLEY WATER DISTRICT

Chief Engineer, Mark Knudson, reported that TVWD owns property at 1730 SW 87th Avenue, also known as Lot 24 of Tualatin View sites No. 2. The property was acquired for construction of the Rosander Pump Station project and other water system facilities, which would be a key enhancement to improving the reliability of the water supply to the West Hills. TVWD has negotiated and acquired an amendment to the Restrictions from all subject property records except for Lot 25 at 1760 SW 87th Avenue. The amendment to the Restrictions would permit the pump station and water system facilities to be constructed on Lot 24.

Mr. Knudson pointed out that TVWD staff had made efforts to negotiate with the owners of Lot 25, 1760 SW 87th, and Staff believes that continued discussions may be successful; however TVWD is coming to a point in the schedule that action needs to be taken. Mr. Knudson explained that in the absence of obtaining a signed amendment to the Restrictions (CC&R's) by the owner of Lot 25 as all the other property owners have done (thirteen properties), TVWD is faced the potential of declaring the public need as a first step in a condemnation process. This does not mean that TVWD is irrevocably committed to condemnation of the specific restriction however, this is a necessary initial step.

It was moved by Commissioner Doane and seconded by Commissioner McWilliams to adopt Resolution 13-12, Declaring Public Need to Acquire an Interest in Real Property by Extinguishing a Restriction Applicable to Property Owned by TVWD and Authorizing the Acquisition and Extinguishment through Condemnation. The motion carried.

ADJOURNMENT

There being no further business, President Schmidt adjourned the meeting at 7:32 p.m. The motion carried.

BOARD OF COMMISSIONERS
TUALATIN VALLEY WATER DISTRICT

BY _____ BY _____
President, Dick Schmidt Secretary, James Doane

Date Approved: December 19, 2012