

Tualatin Valley Water District



BOARD OF COMMISSIONERS
1850 SW 170th AVENUE
REGULAR MEETING MINUTES
FEBRUARY 20, 2013

Present:

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

Management

Staff: Mark Knudson, Patty Rupp, Todd Heidgerken, Dale Fishback, Brenda Lennox, and Paul Matthews

Staff: Tina Alexander, Joel Cary, Bill Richmond

Legal Counsel: Clark Balfour

Public: Steve Shropshire - Attorney Representing Arranmore Homeowners, Mike Cerasin, Carol Cerasin, Danielle Morehouse, Hans Walitski, Gisela Walitski, Bonnie Reeder, Harry Reeder, Dick Lindsay

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

Long-Term Water Supply Partnerships

Mr. Knudson, Chief Engineer and Acting in Capacity for Chief Executive Officer, Greg DiLoreto, explained to the Board that on February 19, he and the Manager of Community and Intergovernmental Relations, Todd Heidgerken, had met with Washington County Chair, Andy Duyck, along with staff from Clean Water Services and the City of Hillsboro (Hillsboro). At that meeting, a discussion took place regarding potential mutual benefits of long-term water supply options. TVWD continues to complete the evaluation of long-term water supply options however, it is clear there is significant interest on the part of Washington County, Clean Water Services, and Hillsboro to work with TVWD to realize a full range of benefits related to water supply improvements. District staff also continues to express TVWD's support for the Bureau of Reclamation to complete seismic upgrades to Scoggins Dam given the significance of the dam to public safety, public health, and the region's economy.

Long-Term Water Supply Open House

Mr. Knudson reminded the Board of the the next public Open House, Saturday, March 2 at noon on TVWD's long-term water supply project. The open house will take place at the District's Headquarters. Details can be found on the District's website at tvwd.org.

Infrastructure Investment

Mr. Knudson reported that on February 19, he had attended a meeting with State Treasurer, Ted Wheeler, where he discussed the importance of infrastructure investment in Oregon. Treasurer Wheeler's efforts include Oregon's participation in the "West Coast Infrastructure Exchange" which is a multi-state collaborative to develop large-scale infrastructure solutions. It is unclear how this program might help address the District's needs but it is an interesting concept.

Telephone & Computer System Upgrades

On February 21, at 6:00 a.m., TVWD's entire phone system will be down for approximately 15 minutes. Mr. Knudson explained that this brief outage would allow the phone system provider to install a new forwarding feature that automatically forwards up to six phone lines to the District's 24-hour dispatch service if our phone system should ever be out of service. On February 21, at 4:30 p.m., IT staff will be performing urgent maintenance on the power supply to the District's computer servers. This will result in total loss of the District's internet presence for about 1 hour; internet, website, online payment will be affected. Phones will be automatically forwarded to the Dispatch service. These planned upgrades are scheduled at a time of low customer volume to minimize any inconvenience to our customers.

Chief Financial Officer, Paul Matthews, 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

None

CONSENT AGENDA

It was moved by Commissioner Burke and seconded by Commissioner Doane to approve the consent agenda consisting of the Work Session minutes of February 5, 2013 and the Regular meeting minutes of February 20, 2013. The motion carried.

CROSS CONNECTION CONTROL PROGRAM REGULATION FOR AUXILIARY WATER SUPPLIES; TVWD RESOLUTION 04-11 (PowerPoint Slides attached)

Background:

Mr. Knudson explained that in April 2011, the TVWD Board of Commissioners adopted Resolution 04-11, which established TVWD's Cross Connection Control Program Requirements. This resolution was based on Oregon Administrative Rules (OAR) 333-061-0070, which requires all public water systems to have an active cross connection control program to protect against contamination from actual and potential cross connections. Mr. Knudson pointed out that TVWD has consistently maintained a program pursuant to all aspects of the OAR's. He mentioned that at the end of the presentation, the TVWD Board would have the opportunity to reaffirm TVWD Resolution 04-11, or propose revisions to the existing requirements. Staff will ask for guidance from the Board regarding an appropriate schedule for compliance by the Arranmore homeowners who have yet to comply with the District's backflow protection requirements.

Mr. Knudson outlined TVWD's Cross Connection Control Program by covering the following:

- TVWD's Cross Connection Program
- TVWD Resolution 04-11
- Applicable Oregon Administrative Rules (OAR's)
- Requirement of Resolution 04-11
- Notable Cross Connection Incidents
- Arranmore Development (background, compliance efforts)

Arranmore Development: (Notable Challenges)

- Backflow protection must be installed at property line, before any branch in service line
- Most meters have been installed in sidewalks and driveways
- Existing development
- Establish landscaping and other utilities
- Lack of documentation of irrigation piping & changes
- Requires plumbing permit to add backflow assembly
- Requires addition of thermal expansion to water heater
- Coordination with summer use of irrigation system

Mr. Knudson provided a re-cap of the letter dated November 2012 from Anthony Fields, Oregon Health Association Planning, Protection and Certification Unit Manager, to Ms. Danielle Morehouse, an Arranmore Homeowner. In the last paragraph, Mr. Fields recommended that the residents of Arranmore continue to work with TVWD.

In closing, Mr. Knudson spoke of the recommendations by staff. These would be:

- TVWD Board Reaffirms, by motion, Resolution 04-11 which includes a requirement that a property with an auxiliary water supply shall be required to have an approved double-check valve assembly, regardless of the degree of separation between the water system and the auxiliary water supply.
- The TVWD Board provides guidance on compliance date for Arranmore homeowners who have yet to comply with TVWD Resolution 04-11. A new compliance date of July 1, 2013 is proposed.

The Arranmore Community Action Committee has requested to address the Board with their concerns.

Public Comment:

Mr. Knudson asked President Schmidt if it were possible to allow Mr. Shropshire to speak for 15, minutes rather than the regular five minutes. President Schmidt queried the Board and they agreed to the change of protocol. They requested that Mr. Shropshire speak in five-minute intervals and President Schmidt would grant additional minutes per request by the Board.

representing 32 property owners within the Arranmore sub-division.

Mr. Shropshire introduced himself as an attorney with the law firm of Jordan Ramis. He explained that his testimony would be on behalf of the 32 homeowners whom are looking for an exemption to the policy. He pointed out that the citizens on the Arranmore Backflow Action Committee are certain that their own source of drinking water is safe and secure. This committee is also frustrated with TVWD's policy, and is of the thinking that there is little to no risk of cross contamination within their neighborhood. Mr. Shropshire said that the committee is looking for an exemption under the blanket policy. He described this as a "common sense approach" and "case specific" situations that would not require cross connection protection where there is "minimal risk". Mr. Shropshire asked the Board to choose one of three options. He said specifically, the Committee is looking for the Board to: 1) amend section 5 D of the Backflow Prevention Policy adding an exemption only to connected auxiliary water supplies, 2) pass a Resolution finding that the Arranmore Neighborhood is not an auxiliary water supply, 3) undertake a risk assessment on each property. Mr. Shropshire displayed slides of properties in the Arranmore neighborhood. He read from the District's Cross Connection Prevention Policy and pointed out areas where he disagreed.

Commissioners Doane and Burke stated their concerns regarding risk and consequence. Commissioner Doane stressed the need to avoid the risk of a cross connection incident that could sicken citizens. He considered the possibility of TVWD providing risk assessments to the homes that have not yet complied. He indicated that at three homes per day, this could possibly meet compliance by the July 1 deadline, without an unreasonable hardship. He described this as a reasonable approach.

Commissioner Doane and Mr. Knudson discussed the definition of "proximity" in terms of potable water lines and irrigation lines. Mr. Knudson pointed out that proximity in this case is potential for connection.

Dr. Hans Walitski – 7482 SW St. John Place, Portland, Arranmore Homeowner

Mr. Walitski said he has a PhD in Physics. He mentioned that he understood distribution systems and potential technical problems that can occur. He described backflow apparatus that was familiar to him. Mr. Walitski implied that risk is always a concern. He shared photos of various backflow prevention installations. Mr. Walitski suggested that every home in the District have an air vacuum breakers device in the case of a pressure differential. He also did not agree with fittings that could leak be placed underground. Mr. Walitski said that he did not agree with the cost to install a backflow device at his home.

A discussion took place amongst the Board, Mr. Knudson, and Legal Counsel, Clark Balfour, regarding liability and responsibility to TVWD's citizens.

There being no further discussion, it was moved by Commissioner Burke and seconded by Commissioner Doane to reaffirm the requirement of Resolution 04-11, paragraph 5.d. ii. The motion carried.

Board consensus was to have staff develop criteria in terms of a date for homeowners to comply with Resolution 04-11, and develop criteria for those homeowners in hardship situations.

RESOLUTION 02-13; AMENDING SYSTEM DEVELOPMENT CHARGES AND DECLARING AN EFFECTIVE DATE

Mr. Matthews indicated that staff presented a draft Resolution 02-13 to the Board at the Board's January 16, 2013 Regular meeting. Since that presentation, staff has sent letters to active developers informing them of the proposed changes to the SDCs.

Mr. Matthews explained that Section 9 B. of the District's System Development Charge (SDC) Ordinance (Ordinance 01-12) requires annual review of the District's SDCs in relation to the Engineering News Record (ENR) Seattle Construction Cost Index (CCI). This is the first review since the Board adopted Ordinance 01-12 on July 18, 2012. Resolution 02-13 amends the District's SDC's consistent with the findings from this annual review.

Mr. Matthews pointed out that the December 2011 to December 2012 ENR CCI (the index adopted in the SDC Ordinance) increased by 3.9 percent. Consistent with Section 9 B. of Ordinance 01-12, staff prepared Resolution 02-13 to reflect this 3.9 percent change in the cost index.

The District last adjusted its administrative fee by \$4 on September 1, 2009 as a first step toward recovering the merchant fees associated with accepting credit cards for SDCs. A more recent analysis indicates the cost for merchant fees requires an increase of approximately \$87 per equivalent residential unit (ERU) in the administrative fee. Adding this increase to the administrative fee increases the fee from \$12 per ERU to \$99 per ERU.

During the January Board meeting, Commissioner McWilliams asked what percentage of SDC's are paid for with Credit Cards. Staff looked into this and reported that in November 2012, it was 70% and in December, it was 86%.

Seeing no questions or discussion of the Board, it was moved by Commissioner Burke and seconded by Commissioner Doane to adopt Resolution 02-13, amending the System Development Charges and declaring an effective date of March 1, 2013. The motion carried.

ADJOURNMENT

There being no further business, and without objection, President Schmidt adjourned the meeting at 8:45 p.m.

BOARD OF COMMISSIONERS
TUALATIN VALLEY WATER DISTRICT

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

Date Approved: March, 20, 2013