

**Tualatin Valley Water District**



**BOARD OF COMMISSIONERS  
1850 SW 170th AVENUE  
BEAVERTON, OR 97006**

**APRIL 24, 2013**

**EXECUTIVE SESSION 6:00 PM  
REGULAR MEETING 7:00 PM**

**Listening devices are available upon request  
48 hours prior to the day of the meeting (503-642-1511)  
Streaming live at [www.tvwd.org](http://www.tvwd.org)  
Broadcast by TVCTV (at a later date)**

**An Executive Session is scheduled before the Regular Meeting, at 6:00 PM, called under 192.660 (2)  
(i) to Review and Evaluate the Employment-Related Performance of the Chief Executive Officer,  
Employee, or Staff Member who does not Request an Open Hearing**

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- 1. CALL TO ORDER – REGULAR MEETING**
- 2. REPORTS BY THE CHIEF EXECUTIVE OFFICER AND MANAGEMENT STAFF**
- 3. COMMISSIONER COMMUNICATION**
  - 3.1 -Reports of Meetings Attended
  - 3.2 -Topics to be raised by the Commissioners
- 4. PUBLIC COMMENT:**

This time is set aside for persons wishing to address the Board **on items on the Consent agenda, and matters not on the Business agenda.** Additional public comment will be invited on agenda items as they are presented. Each participant is limited to five minutes, unless an extension is granted by the Board. Should three citizens testify on the same topic, each participant will be limited to three minutes.

**CONSENT AGENDA:** These items are considered to be routine and may be enacted in one motion without separate discussion. Any Board member may request that an item be removed by motion for discussion and separate action.

**ITEMS REMOVED FOR SEPARATE DISCUSSION:** Any items requested to be removed from the consent agenda for separate discussion will be considered immediately after the Board of Commissioners have approved those items which do not require discussion.

- 5. CONSENT AGENDA ITEMS**
  - 5.1 - Regular Meeting Minutes of February 20, 2013 .....
  - 5.2 - Work Session Minutes of March 5, 2013 .....
  - 5.3 - Regular Meeting Minutes of March 20, 2013 .....

**BUSINESS AGENDA ITEMS:**

Time will be set aside for public comment for each business item. Each participant is limited to five minutes unless the Board grants an extension, or the agenda item is noted for a specific amount of time for public comment.

**6. WATER SUPPLY STRATEGY UPDATE (MOTION TO ADOPT PREFERRED SOURCE OPTION).....**

**7. RESOLUTION 03-13, AMENDING AND RESTATING RESOLUTION 13-12 (MOTION).....**

**8. BOARD ACTION REGARDING THE EMPLOYMENT OF THE CHIEF EXECUTIVE OFFICER FOLLOWING EXECUTIVE SESSION (MOTION) .....**

**9. ADJOURNMENT**

**TUALATIN VALLEY WATER DISTRICT  
REGULAR BOARD MEETING AGENDA ITEM**

**MEETING DATE: APRIL 24, 2013**

**TITLE: WATER SUPPLY STRATEGY UPDATE**

**ITEM:** In December 2007, the TVWD Board adopted a future water supply strategy that included a commitment to the Tualatin Basin Water Supply Project (TBWSP) as the District's primary source of supply. Since that time, the estimated cost of the TBWSP has increased significantly and the schedule for the project has been delayed.

In May 2012, the TVWD Board asked staff to prepare an update to the District's long-term water supply strategy, taking into consideration various changes that have occurred since 2007 including updates to the cost and schedule of the TBWSP, as well as new water demand forecasts and new information on the cost and feasibility of other water supply options.

During the last 11 months, staff has worked closely with the TVWD Board of Commissioners and other regional water providers to develop and evaluate various long-term water supply options. Details of the options and their evaluation are documented in the attached six technical memoranda (TMs), including the following:

- TM1 – Introduction and Supply Options
- TM2 – Population and Demand Projections
- TM3 – Economic and Financial Evaluation
- TM4 – Non-Financial Evaluation
- TM5 – Public Outreach
- TM6 – Evaluation of Supply Options

This work included an extensive public outreach process that included presentations at eight Board work sessions as well as presentations and briefings at 18 public forums including open houses, meetings with community participation organizations (CPOs), and meetings with local businesses and community groups.

This agenda item will consist of a staff report summarizing the findings of the work to date. At the Board's request, the staff report will not include a recommendation for a preferred long-term water supply option. Following the staff report, it is anticipated that representatives of other interested agencies, stakeholders and members of the public will provide public comments. Following deliberation by the Commissioners, it is recommended that the Board adopt, by motion, the District's preferred long-term water supply option.

Based on the Board's selection of a preferred water supply option, District staff will prepare additional documentation for consideration at the May 15, 2013 TVWD Board Meeting to provide policy direction for implementation of the preferred water supply strategy.

**STAFF RECOMMENDATION:** Staff recommends that the Board adopt, by motion, a preferred long-term water supply option. At the Board's request, a staff recommendation of a specific supply option will not be presented.

**BUDGET IMPACT:** TVWD’s anticipated share of the capital cost and future operation & maintenance costs vary with each supply strategy. Details of economic and financial evaluation of the four supply options are presented in the attached technical memoranda.

**ADDITIONAL INFORMATION:** Mark Knudson, 503-848-3027 or markk@tvwd.org.

**ATTACHMENTS:** Final Technical Memoranda 1 through 6 describing the District’s development and evaluation of the supply options.

APPROVING MANAGERS INITIAL:

CHIEF EXECUTIVE OFFICER	_____	HUMAN RESOURCES	<u>N/A</u>
FIELD OPERATIONS	<u>N/A</u>	INTERGOV. RELATIONS	_____
FINANCIAL SERVICES	_____	CUSTOMER SERVICES	<u>N/A</u>
ENGINEERING SERV.	_____		

**BOARD ACTION:**

APPROVED	_____
DENIED	_____

**TUALATIN VALLEY WATER DISTRICT  
BOARD AGENDA ITEM**

**MEETING DATE: WEDNESDAY, APRIL 24, 2013**

**TITLE: RESOLUTION 03-13, AMENDING AND RESTATING RESOLUTION 13-12**

**ITEM:** On November 20, 2012, the Board of Commissioners adopted Resolution 13-12 declaring public need to acquire an interest in property to enable the District to proceed with the Rosander Pump Station. The property was identified by plat lot and address. Staff proceeded to make the 40 day offer of compensation required by statute. The Staff has not been able to reach agreement with the owners.

The attached Resolution reflects the unsuccessful efforts to date and reaffirms the Board's direction to proceed. It also reflects to housekeeping to correct reference to the tax lot to coincide with the Assessor's numerical reference. The 40 day offer was made with the Assessor's tax lot reference as stated in this Resolution.

**STAFF RECOMMENDATION:** Staff recommends that the Board move to adopt Resolution 03-13 and authorize the District to acquire the property interest described. Staff is hopeful some resolution can be reached, however the District must proceed to acquire the real property interest.

**BUDGET IMPACT:** The funds are budgeted and appropriated.

**ADDITIONAL INFORMATION:** Mark Knudson, Chief Engineer, [Markk@tvwd.org](mailto:Markk@tvwd.org), 503-848-3027

**ATTACHMENTS:** Resolution 13-12

APPROVING MANAGERS INITIALS:

GENERAL MANAGER	_____	HUMAN RESOURCES	N/A
FIELD OPERATIONS	N/A	INTERGOV. RELATIONS	N/A
FINANCIAL SERVICES	N/A	CUSTOMER SERVICES	N/A
ENGINEERING SERV.	_____		

**BOARD ACTION:**

APPROVED \_\_\_\_\_  
DENIED \_\_\_\_\_

# **Tualatin Valley Water District**



## **RESOLUTION 03-13**

### **A RESOLUTION AMENDING AND RESTATING RESOLUTION 13-12 DECLARING PUBLIC NEED TO ACQUIRE AN INTEREST IN REAL PROPERTY BY EXTINGUISHING A RESTRICTION APPLICABLE TO PROPERTY OWNED BY TUALATIN VALLEY WATER DISTRICT AND AUTHORIZING THE ACQUISITION AND EXTINGUISHMENT THROUGH CONDEMNATION**

WHEREAS, this matter previously came before the Board of Commissioners of Tualatin Valley Water District (Board) at its regular meeting on November 20, 2012 when the Board adopted Resolution 13-12; and

WHEREAS, Tualatin Valley Water District (District) owns property located at 1730 SW 87th Avenue also known as a portion of Lot 24, Tualatin View Sites No. 2 and 1S102DD00700, Washington County, Oregon, which it has acquired for the location and construction of the Rosander Pump Station Project (Project) and all water system facilities related thereto; and,

WHEREAS, Tualatin View Sites No. 2 has recorded Declarations of Restrictions (Restrictions) applicable to those properties within said plat which are recorded July 3, 1953 in Book 346, Page 442, Deed Records of Washington County, Oregon; and,

WHEREAS, the Restrictions burden and benefit all properties within Tualatin View Sites No. 2 and Article 1.6 prohibits any building other than a single family residential home on any lot subject to the Restrictions except that a duplex was permitted on that portion of Lot 24, Tax Lot 700, which is the District's parcel; and,

WHEREAS, the District has obtained and recorded a First Amendment to Declarations of Restrictions for Tualatin View Sites No. 2 signed by all property owners owning lots within said plat, except from the owners of the parcel known as 1S102DD00701, commonly known as 1760 SW 87<sup>th</sup> Avenue which is also part of Lot 24. Hereafter the property subject to this Resolution declaring public need to shall be referred to as Tax Lot 701. The First Amendment provides that the Rosander Pump Station Project and all water system related facilities are permitted uses on that portion of Lot 24 that comprises Tax Lot 700 (Tax Lot 700); and,

WHEREAS, the Board, having reviewed and considered the Project, reaffirms its previous finding that it is necessary to acquire the property right of Tax Lot 701 to enforce the Restrictions against the District on Tax Lot 700 so as to prevent the District from implementing the Project; and,

WHEREAS, it appears to the Board that, after investigation of alternatives regarding the provision of the most economic and efficient method of service delivery, the greatest public benefit is achieved through construction of the Project on Tax Lot 700 and extinguishment of Article 1.6 of the Restrictions as it applies to Tax Lot 700; and,

WHEREAS, in order for the District to efficiently provide services to this citizens, it is necessary and in the public's interest to acquire and extinguish the right of the owners of Tax Lot 701 to enforce Article 1.6 of the Restriction's against the District's Tax Lot 700 so that the Project can be built; and,

WHEREAS, the District has authority under ORS. 264.240 to acquire the property interest described herein by negotiated purchase or by condemnation; and,

WHEREAS, the District reaffirms its finding that the proposed acquisition is planned to be accomplished in a manner which is the most compatible with the greatest public good and causes the least private injury; and,

WHEREAS, the Board finds it necessary to amend and restate Resolution 13-12 by adoption of this Resolution, and being fully advised,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TUALATIN VALLEY WATER DISTRICT:

Section 1. That the above recitals shall form an integral part of this Resolution and shall have the same force and effect as if they were adopted as resolutions. Except as amended herein, Resolution 13-12 is in full force and effect.

Section 2. It is necessary for the continued public health, safety and economic welfare of the District that the property interest described be acquired by the District: to acquire and extinguish the right of the owners of that portion of Lot 24, TUALATIN VIEW SITES NO. 2, a duly recorded subdivision in Washington County, Oregon, commonly known as 1760 SW 87<sup>th</sup> Avenue, and 15102DD00701 (Tax Lot 701) to enforce Article 1.6 to prevent use of that portion of Lot 24, (Tax Lot 700) owned by the District for the Project and water system facilities.

Section 3. That the District and its attorneys have retained appraisers, negotiators, and other consultants and made a 40 day offer under ORS 35.346 but the time has lapsed and no agreement has been reached with the owners and other persons of interest in Tax Lot 701 as to the compensation, if any, to be paid for the acquisition of such property right. The attorneys of the District are directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the property interest.

Section 4. That upon the trial of any suit or actions instituted to acquire the property interest, the attorneys acting for the District are authorized to make such stipulation, agreement or admission as in their judgment may be for the best interest of the District and to take possession of the property at such time as appropriate in their judgment without necessity of further Board approval.

INTRODUCED AND ADOPTED THIS 24th DAY OF APRIL, 2013  
TUALATIN VALLEY WATER DISTRICT

BY: \_\_\_\_\_  
Dick Schmidt, President

BY: \_\_\_\_\_  
Jim Doane, Secretary