BOARD MEETING AGENDA
September 18, 2019

President Bernice Bagnall       Treasurer Jim Duggan
Vice President Dick Schmidt     Secretary Todd Sanders
Acting Secretary Jim Doane

To prepare to address the Board, please fill out the Public Comment Form located on the table near the main
door to the meeting room. All testimony is electronically recorded. You are not required to give your address
when speaking to the Board of Commissioners, only your name. Public participation is encouraged.

Assistive listening devices are available upon request 48 hours prior to the day of the meeting by calling
(503) 848-3000. For additional questions or assistance, see the District Recorder seated near the windows.

Meetings are broadcast by Tualatin Valley Community Television (TVCTV) Government Access Programming at
a later date. To obtain the monthly programming schedule, contact TVCTV at (503) 629-8534 or visit
www.tvctv.org.

For online meeting information, Commissioner bios and more, visit www.tvwd.org.

VISION
Delivering the best water ● service ● value

MISSION STATEMENT
To provide our community quality water and customer service

VALUES
Reliability ● Integrity ● Stewardship ● Excellence ● Safety
An executive session of the Board is 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)(f) to consider information or records that are exempt by law from public inspection and ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

REGULAR SESSION – 7:00 PM

CALL TO ORDER

REPORTS BY THE CHIEF EXECUTIVE OFFICER AND MANAGEMENT STAFF

COMMISSIONER COMMUNICATIONS

A. Reports of meetings attended
B. Topics to be raised by the Commissioners

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 agenda. Additional public comment will be invited on agenda items as they are presented. Each person is limited to five minutes, unless an extension is granted by the Board. Should three or more people testify on the same topic, each person will be limited to three minutes.

1. CONSENT AGENDA

These items are considered to be routine and may be approved in one motion without separate discussion. Any Board members may request that an item be removed by motion for discussion and separate action. Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Board has approved those items which do not require discussion.

A. Approve the August 21, 2019 regular meeting minutes.

2. BUSINESS AGENDA

A. Consider adopting Resolution 24-19, a resolution establishing water rates and other service charges for the Tualatin Valley Water District with an effective date of November 1, 2019. Staff Report – Paul Matthews

B. Consider adopting Resolution 25-19, a resolution declaring public necessity to acquire permanent easements and temporary construction easements on Tax Lot 2S106B000500 for pipeline section PLM_5.2 for the Willamette Water Supply System. Staff Report – Clark Balfour
C. Consider adopting Resolution 26-19, a resolution declaring public necessity to acquire permanent easements and temporary construction easements on Tax Lot 2S20100800 for pipeline section PLM_5.2 for the Willamette Water Supply System. Staff Report – Clark Balfour

ADJOURNMENT
REGULAR SESSION – 7:00 PM

CALL TO ORDER

Commissioners Present: Bernice Bagnall; Jim Doane, PE; Jim Duggan, PE; Todd Sanders; Dick Schmidt

Staff Present: Tom Hickmann, PE, Chief Executive Officer; Clark Balfour, General Counsel; Paul Matthews, Chief Financial Officer; Carrie Pak, PE, Chief Engineer; Dave Kraska, PE, Water Supply Program Director; Andrea Watson, Communications and Public Affairs Supervisor; Joe Healy, Senior Management Analyst; Debbie Carper, District Recorder

Other Attendees: Colleen Ezeobi; David Schmidt

REPORTS BY THE CHIEF EXECUTIVE OFFICER AND MANAGEMENT STAFF

Mr. Balfour presented the safety minute on situational awareness.

Mr. Hickmann noted the lack of Cryptosporidium detections in Bull Run water over the past month, highlighted the recently held and upcoming rate open houses, warned customers about imposters posing as District employees, described a recent leak that triggered a boil water notice and gave an update on the CEO transition process (see attached memo).

Mr. Balfour described in greater detail his recent and upcoming work related to the Willamette Water Supply Program, land acquisitions, intergovernmental agreements, contracts and customer relations (see attached presentation).

COMMISSIONER COMMUNICATIONS

A. Reports of meetings attended

Commissioners described and submitted a list of recently attended meetings (see attached forms).
B. Topics to be raised by the Commissioners

Commissioner Bagnall presented Mr. Matthews with a plaque on behalf of the Board, honoring him for his leadership in securing the Water Infrastructure Finance and Innovation Act (WIFIA) loan.

PUBLIC COMMENT

Colleen Ezeobi, District customer, expressed opposition to the proposed rate increase and asked the Board to consider changing billing practices in order to charge larger customers proportionally more.

Commissioner Bagnall encouraged Ms. Ezeobi to attend the upcoming rate open house on August 24 in order to learn more about the proposed increase and have an opportunity to speak with staff and Commissioners in greater detail.

1. PUBLIC HEARING

A. Consider adopting Resolution 24-19 establishing water rates and other service charges for the Tualatin Valley Water District with an effective date of November 1, 2019.

Mr. Matthews described how the District’s financial plan shapes the budget and rate proposals, highlighted the importance of water supply reliability and gave an overview of the major strategic investments the District is making in the upcoming biennium (see attached presentation). Next, he reviewed the current financial status of the District before detailing planned capital expenditures, proposed rate adjustments and debt financing through 2029. There are multiple risks and opportunities that may affect current forecasts. Finally, Mr. Matthews reviewed specific components of and customer impacts from the near-term proposed rate increases as well as proposed changes to other fees and charges. Next steps include an open house on August 24, acceptance of public comment through August 28 and Board consideration of resolution adoption at the September 18 regular meeting.

Rate proposal comments received through August 19 were provided to the Board (see attached memo).

Commissioner Bagnall opened the public hearing. There was no testimony. The public hearing was closed.

Staff was asked to send comments related to Clean Water Services’ (CWS) rates to CWS staff. Ms. Watson indicated staff has already reached out to CWS staff to schedule a meeting to discuss coordinating timing of rate increases.
2. CONSENT AGENDA

A. Approve the July 17, 2019 regular meeting minutes.

[Recorder’s Note: The July 17, 2019 minutes were amended from what was included in the Board packet to reflect Jesse Lowman’s service as both Metzger Water District General Manager and TVWD General Manager.]

B. Approve the August 6, 2019 work session minutes.

Motion was made by Duggan, seconded by Sanders, to approve the Consent Agenda as presented. The motion passed unanimously with Bagnall, Doane, Duggan, Sanders and Schmidt voting in favor.

3. BUSINESS AGENDA

A. Consider the following actions related to the Second Restated Intergovernmental Cooperative Agreement Creating the Willamette River Water Coalition: Staff Report – Clark Balfour

- Approving a motion to read by title only Ordinance 03-19
- Adopt Ordinance 03-19

Mr. Balfour briefly reviewed the staff report.

Motion was made by Doane, seconded by Duggan, to read Ordinance 03-19 by title only. The motion passed unanimously with Bagnall, Doane, Duggan, Sanders and Schmidt voting in favor.

Mr. Balfour read the ordinance title for the record.

Motion was made by Schmidt, seconded by Doane, to adopt Ordinance 03-19, an ordinance approving the Second Restated Intergovernmental Cooperative Agreement creating the Willamette River Water Coalition, an intergovernmental entity formed under ORS Chapter 190 between Tualatin Valley Water District and the cities of Sherwood, Tigard and Tualatin. The motion passed unanimously with Bagnall, Doane, Duggan, Sanders and Schmidt voting in favor.

ADJOURNMENT

There being no further business, President Bagnall adjourned the meeting at 8:12 p.m.

________________________________________  ______________________________________
Bernice Bagnall, President                   Todd Sanders, Secretary

August 21, 2019 regular meeting minutes – Page 3 of 3
MEMO

Date: August 21, 2019
To: Tualatin Valley Water District Board of Commissioners
From: Tom Hickmann, CEO
Re: Chief Executive Officer and Management Staff Report

The following items will be covered during the report by the CEO:

1. **Safety Minute** – Clark Balfour, TVWD’s General Counsel, will present the safety moment this evening.

2. **Portland Cryptosporidium Results** – There were no reported detections of *Cryptosporidium* oocysts in water samples collected from the Bull Run Headworks during the past month.

3. **Rate Open House Sessions** – The first of two Rate Open House sessions was held Wednesday evening, August 14th. Commissioners Duggan, Doane and Sanders were in attendance for a portion of the evening. Staff gave an overview of the District and the main rate drivers. Approximately nine District customers were in attendance with good Q&A after the presentation. The second Open House will be held Saturday, August 24th, 9:00-11:00am, at District headquarters; we encourage the public to attend. These sessions are an excellent opportunity to learn about the rate setting process and proposed rate increases.

4. **Water Employee Imposters** - TVWD received reports about impostors posing as employees asking to gain entrance into homes. As a reminder, we will never ask to enter your house without a previous appointment. TVWD employees always have a photo ID badge. If you are unsure of whether someone is a TVWD employee, ask to see their ID badge or call us at (503) 848-3000. If you suspect an imposter is posing as a TVWD employee, notify non-emergency law enforcement immediately.

TVWD has also heard reports about imposters posing as utility employees asking for credit card numbers to collect bill payments. While we may call you to remind you about a bill payment, TVWD will never call or text asking for a credit card payment. In addition, our staff does not take payments at houses or businesses. A variety of payment methods are listed on TVWD’s website (www.tvwd.org).
5. **Leak response on Tracy Ann Ct.** – On Saturday, August 17, staff responded to a leak that resulted in a pressure loss and ultimately resulted in a boil water notice for six customers. OHA and Washington County Public Health were notified. The leak was fixed by early afternoon, and a water sample was taken to be analyzed overnight. The boil water notice was issued as precautionary until lab tests could confirm no contaminants. The samples came back clear, and the boil water notice was lifted early Sunday morning.

6. **CEO Transition Process Update** – The CEO transition continues; Mark is now working on the operations plan outline for the WWSS and drafting position descriptions for managing the WWSS. Once drafts are complete, the management team will review to determine how best to proceed and will include the WWSS partners.

   All District issues are now being run through me, and I utilize Mark on an as needed basis. I am coordinating with staff on several issues and coming up to speed regarding the CIS and working with our partnering agencies. I continue to meet with staff one on one.

7. **Department Report** – Clark Balfour will present the department report this evening.
Legal Department Report

Clark Balfour, General Counsel

August 21, 2019

Major Focus

- Willamette Water Supply Program
- Land acquisition
- Intergovernmental agreements
- Contracts
- Customer relations
WWSP

- WIFIA Loan
  - Loan Agreement with USEPA for $388,000,000
  - Payable over 42 years (2061) at 2.39%
  - $138 million in loan repayment savings over traditional financing
  - Result is more predictable and lower rate increases

WWSS Commission (completed)

- WWSS Commission IGA effective July 1, 2019
- Conducted a regular and special meeting of the Commission
- Completed deed transfer from TVWD/Hillsboro to WWSS
  - Water treatment plant property
  - Terminal reservoir property
- Commenced easement acquisition process for:
  - PLM_1.1
  - PLM_5.2
**WWSS Commission (underway)**

- TVWD/WWSS Project Agreement for MPE_1.0
- Beaverton/WWSS Project Agreement for COB_1.0
- Hillsboro/WWSS Project Agreement for COH_1.0
- Declaration of public necessity for PLW_1.3
- Transfer and assignment of contracts
  - Consultants
  - Designers
  - Constructors
  - Other agencies

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**Willamette Intake Facilities Commission**

- Conducted quarterly meetings
- Land use application for raw water facilities and raw water pipeline
- Final routing for raw water pipeline and electrical ductbanks through the WRWTP park tract
  - Allows easements called for in WIF IGA to be recorded
Willamette River Water Coalition

- Ordinance 03-19 will complete the IGA rewrite process
- Conform the WRWC purposes with:
  - WIF Commission
  - WWSS Commission
- Management of water rights
- Willamette reauthorization project

TVWD
Ongoing and Upcoming

- Customer Information System RFP
- NeoGov system for HR processes
- Joint Water Commission WTP project
- Rates and charges
- Purchasing rules
Proposed Changes to Water Rates

Presentation to TVWD Board
August 21, 2019
District Rate and Financial Management Process

Deliver

Financial Plan

Rates

Budget

Providing Multiple Water Sources is a Vital Element of Water Supply Reliability

River water  Reservoirs  Groundwater  Purchased wholesale water  Water conservation
Various Risks Threaten Our Water Supply: *Earthquakes*  
*Drought*  
*Climate change*

District Priorities for 2019-21

**Strategic Investments**

- Willamette Water Supply Program
- TVWD Infrastructure
- Customer Information System (CIS)
Willamette Water Supply System

1. Willamette River water intake, located in Wilsonville
2. New state-of-the-art water filtration plant
3. 30+ miles of large transmission pipeline
4. Water storage tanks

*Operational in 2026*

Improving Our Economy

To date, 96% of money spent has gone to local employees, goods and services.
Tualatin Valley Water District Stats

- **Daily System Demand**
  - Minimum: 11 Million Gallons
  - Average: 23 Million Gallons
  - Peak: 42 Million Gallons

- **System Components**
  - 13 Pump Stations
  - 23 Reservoirs
  - 148 Sampling Stations
  - 752 Miles of Pipe

- **System Capacities**
  - 67 million gallons Storage Capacity
  - 228,000 Population Served
  - 8.5 billion gallons Annual Water Served

District Rate Financial Management Process

- Deliver
- Financial Plan
- Rates
- Budget

TVWD | Delivering the Best Water, Service, and Value
Cumulative Operating Expenditures

Note: These graphs are based on unaudited estimates.

Cumulative Capital Expenditures

Note: These graphs are based on unaudited estimates.
Cumulative Water Sales Revenue

System Development Charge Revenue

Note: These graphs are based on unaudited estimates.
District’s Financial Performance 2017-19 Biennium

Key Findings

- Operating expenditures below budget
- Capital expenditures below budget
- Water sales revenue exceeded projections
- System development charges exceeded projections
- Cash balances higher than planned
- Starting 2019-21 biennium in strong financial position

Planned Capital Expenditure by Fiscal Year

<table>
<thead>
<tr>
<th></th>
<th>TVWD</th>
<th>JWC</th>
<th>WWSP*</th>
<th>Totals</th>
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<td>1.3</td>
<td>$47.1</td>
<td>$76.1</td>
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<tr>
<td>2021</td>
<td>34.2</td>
<td>0.6</td>
<td>$65.1</td>
<td>$100.0</td>
</tr>
<tr>
<td>2022</td>
<td>55.0</td>
<td>0.8</td>
<td>$81.7</td>
<td>$137.6</td>
</tr>
<tr>
<td>2023</td>
<td>66.8</td>
<td>0.5</td>
<td>$148.1</td>
<td>$215.5</td>
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<tr>
<td>2024</td>
<td>38.5</td>
<td>0.3</td>
<td>$117.9</td>
<td>$215.5</td>
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<tr>
<td>2025</td>
<td>27.5</td>
<td>0.4</td>
<td>$48.5</td>
<td>$156.8</td>
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<tr>
<td>2026</td>
<td>25.4</td>
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<td>$33.8</td>
<td>$76.3</td>
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<tr>
<td>2027</td>
<td>48.2</td>
<td>0.8</td>
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<td>$59.6</td>
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<tr>
<td>2028</td>
<td>33.1</td>
<td>0.8</td>
<td>$0.0</td>
<td>$53.3</td>
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<tr>
<td>2029</td>
<td>46.9</td>
<td>1.1</td>
<td>$0.0</td>
<td>$48.0</td>
</tr>
</tbody>
</table>

Totals $76.1 $100.0 $137.6 $215.5 $156.8 $59.6 $53.3 $33.9 $48.0 $957.1

*TVWD share of projected total costs.
### Projected Debt Financing by Fiscal Year

<table>
<thead>
<tr>
<th></th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
<th>2027</th>
<th>2028</th>
<th>2029</th>
<th>Totals</th>
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<tr>
<td>WIFIA*</td>
<td>$5</td>
<td>$20</td>
<td>$100</td>
<td>$125</td>
<td>$65</td>
<td>$30</td>
<td>$43</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>$387</td>
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<tr>
<td>Bonds*</td>
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<td>-</td>
<td>44</td>
<td>50</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>94</td>
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<tr>
<td><strong>Totals</strong></td>
<td><strong>$5</strong></td>
<td><strong>$20</strong></td>
<td><strong>$100</strong></td>
<td><strong>$169</strong></td>
<td><strong>$115</strong></td>
<td><strong>$30</strong></td>
<td><strong>$43</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td><strong>$481</strong></td>
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</table>

*Net proceeds for capital expenditures (after issuance costs).

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### Projected Customer Impacts

- **Rate Adjustment**
  - **2020**: 0.0%
  - **2021**: 0.0%
  - **2022**: 0.0%
  - **2023**: 0.0%
  - **2024**: 0.0%
  - **2025**: 0.0%
  - **2026**: 0.0%
  - **2027**: 0.0%
  - **2028**: 0.0%
  - **2029**: 0.0%

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*Delivering the Best Water ◦ Service ◦ Value*
Comparison of Proposed Rate Adjustments by Fiscal Year

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>2017 Forecast</th>
<th>Current Forecast</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>8.8%</td>
<td>3.6%</td>
</tr>
<tr>
<td>2021</td>
<td>8.8%</td>
<td>3.6%</td>
</tr>
<tr>
<td>2022</td>
<td>8.8%</td>
<td>3.6%</td>
</tr>
<tr>
<td>2023</td>
<td>8.8%</td>
<td>3.6%</td>
</tr>
<tr>
<td>2024</td>
<td>8.8%</td>
<td>3.6%</td>
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<td>2025</td>
<td>2.1%</td>
<td>3.6%</td>
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<tr>
<td>2027</td>
<td>2.1%</td>
<td>3.6%</td>
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<tr>
<td>2028</td>
<td>2.1%</td>
<td>3.6%</td>
</tr>
<tr>
<td>2029</td>
<td>2.1%</td>
<td>3.6%</td>
</tr>
<tr>
<td>Totals</td>
<td>$213.7</td>
<td>$67.6</td>
</tr>
</tbody>
</table>

Comparison of Annual Debt Service by Fiscal Year

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>2017 Forecast</th>
<th>Current Forecast</th>
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</thead>
<tbody>
<tr>
<td>2020</td>
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<td>2022</td>
<td>$7.8</td>
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<td>2023</td>
<td>$14.1</td>
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<td>2024</td>
<td>$22.6</td>
<td>$4.1</td>
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<tr>
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</tr>
<tr>
<td>Totals</td>
<td>$213.7</td>
<td>$67.6</td>
</tr>
</tbody>
</table>
Risks to the Forecast

Risks
- Higher costs for purchased water
- Future interest rates
- Construction costs
- Loss of a partner
- Premature failure of a facility
- Others

Opportunities
- Value engineering
- Construction costs
- Faster development within the District
- Lower interest costs
- Other unexpected savings

Proposed Volume Rates
($/CCF\(^1\))

<table>
<thead>
<tr>
<th>Block</th>
<th>Current</th>
<th>Nov 2019</th>
<th>Nov 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block 1</td>
<td>$5.23</td>
<td>$5.42</td>
<td>$5.62</td>
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<tr>
<td>Block 2</td>
<td>$7.46</td>
<td>$7.73</td>
<td>$8.01</td>
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</table>

\(^1\) One CCF is 100 cubic feet of water or about 748 gallons.
\(^2\) Single-Family Residential Class: Block 1 = Water use up to 28 CCF every two months. Block 2 = All consumption over 28 CCF every two months.
\(^3\) Commercial and all other classes: Block 1 = Water use up to 140\% of 12-month moving avg. Block 2 = All consumption exceeding the Block 1 threshold.
### Proposed Fixed Monthly Charges

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Current</th>
<th>Nov 2019</th>
<th>Nov 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/4 Inch</td>
<td>17.43</td>
<td>18.06</td>
<td>18.71</td>
</tr>
<tr>
<td>1 Inch</td>
<td>21.49</td>
<td>22.26</td>
<td>23.06</td>
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<tr>
<td>1.5 Inch</td>
<td>28.87</td>
<td>29.91</td>
<td>30.99</td>
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<tr>
<td>2 Inch</td>
<td>42.59</td>
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<tr>
<td>3 Inch</td>
<td>118.58</td>
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<td>127.27</td>
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<tr>
<td>4 Inch</td>
<td>158.88</td>
<td>164.60</td>
<td>170.53</td>
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<tr>
<td>6 Inch</td>
<td>256.06</td>
<td>265.28</td>
<td>274.83</td>
</tr>
</tbody>
</table>

### Customer Impact

**(Typical Customer Using 7 CCF\(^1\) Per Month)**

**Typical Single-Family Residential Bill**

<table>
<thead>
<tr>
<th>5/8-Inch Meter</th>
<th>Current</th>
<th>Nov 2019</th>
<th>Nov 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Charge</td>
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<td>$16.40</td>
<td>$16.99</td>
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<tr>
<td>Volume Charge</td>
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<tr>
<td>Total</td>
<td>$52.44</td>
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<td>$56.33</td>
</tr>
<tr>
<td>Monthly Increase</td>
<td><strong>$1.90</strong></td>
<td><strong>$1.99</strong></td>
<td></td>
</tr>
</tbody>
</table>

\(^1\)One CCF is 100 cubic feet of water or about 748 gallons. Typical customer at TVWD uses 7 CCF per month.
### Customer Impact
(Above Average Customer Using 12 CCF\(^1\) Per Month)

<table>
<thead>
<tr>
<th>5/8-Inch Meter</th>
<th>Current</th>
<th>Nov 2019</th>
<th>Nov 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Charge</td>
<td>$15.83</td>
<td>$16.40</td>
<td>$16.99</td>
</tr>
<tr>
<td>Volume Charge</td>
<td>$62.76</td>
<td>$65.04</td>
<td>$67.44</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$78.59</strong></td>
<td><strong>$81.44</strong></td>
<td><strong>$84.43</strong></td>
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<tr>
<td><strong>Monthly Increase</strong></td>
<td></td>
<td><strong>$2.85</strong></td>
<td><strong>$2.99</strong></td>
</tr>
</tbody>
</table>

\(^1\)One CCF is 100 cubic feet of water or about 748 gallons.

### Customer Impact
(High-Use Customer Using 28 CCF\(^1\) Per Month)

<table>
<thead>
<tr>
<th>5/8-Inch Meter</th>
<th>Current</th>
<th>Nov 2019</th>
<th>Nov 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Charge</td>
<td>$15.83</td>
<td>$16.40</td>
<td>$16.99</td>
</tr>
<tr>
<td>Volume Charge</td>
<td>$177.66</td>
<td>$184.10</td>
<td>$190.82</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$193.49</strong></td>
<td><strong>$200.50</strong></td>
<td><strong>$207.81</strong></td>
</tr>
<tr>
<td><strong>Monthly Increase</strong></td>
<td></td>
<td><strong>$7.01</strong></td>
<td><strong>$7.31</strong></td>
</tr>
</tbody>
</table>

\(^1\)One CCF is 100 cubic feet of water or about 748 gallons.
Other Fees and Charges

Proposed Changes to Water Rates

Presentation to TVWD Board
August 21, 2019

<table>
<thead>
<tr>
<th>Fee/Charge Description</th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turning service on or off during office hours, regardless of the reason for action</td>
<td>$70</td>
<td>$100</td>
</tr>
<tr>
<td>Additional charge for turning service on or off outside of regular office hours</td>
<td>$55</td>
<td>$85</td>
</tr>
<tr>
<td>All snowbird turn offs</td>
<td>$65</td>
<td>$95</td>
</tr>
<tr>
<td>Removal of meter during construction or to enforce payment of bill</td>
<td>$125</td>
<td>$185</td>
</tr>
<tr>
<td>Installation or removal of locking device (listed by occurrence)</td>
<td>$70, $80, $155 (1st, 2nd, 3rd)</td>
<td>$100, $115, $220 (1st, 2nd, 3rd)</td>
</tr>
<tr>
<td>Upon request, testing water meters on premises (5/8-inch, 3/4-inch, and 1-inch meters)</td>
<td>$125</td>
<td>$185</td>
</tr>
<tr>
<td>Repair of breakage/damage to District assets</td>
<td>Parts &amp; Labor</td>
<td>Time &amp; Materials</td>
</tr>
</tbody>
</table>
### Bulk Water Fee Changes

<table>
<thead>
<tr>
<th>Current</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Three-, six-, or twelve-month hydrant permits*</td>
<td>$65, $90, $140</td>
</tr>
<tr>
<td>Water consumption unit cost*</td>
<td>Block rate</td>
</tr>
<tr>
<td>Tank inspection at off-site location (does not include permit)</td>
<td>$70</td>
</tr>
<tr>
<td>Penalty for unauthorized hydrant use per occurrence</td>
<td>$500</td>
</tr>
<tr>
<td>Penalty for using non-approved (uninspected) tank</td>
<td>$950</td>
</tr>
</tbody>
</table>

*Note: Current system relies on users to self-report number of loads taken.

<table>
<thead>
<tr>
<th>Proposed</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Twelve-month hydrant permit (tanks ≤1000 gallons)*</td>
<td>$360</td>
</tr>
<tr>
<td>Twelve-month hydrant permit (1001-2000 gallons)*</td>
<td>$1,085</td>
</tr>
<tr>
<td>Tank inspection at off-site location (does not include permit)</td>
<td>$95</td>
</tr>
<tr>
<td>Penalty for unauthorized hydrant use in a 12-month period (listed per occurrence)</td>
<td>$1000, $2000, $4000 (1st, 2nd, 3rd)</td>
</tr>
<tr>
<td>Penalty for using non-approved (uninspected) tank</td>
<td>$2,000</td>
</tr>
</tbody>
</table>

*Note: Proposed fees include water consumed; load reporting not required.

### New Hydrant Meter Fees

<table>
<thead>
<tr>
<th>Proposed hydrant meters &amp; fees (for tanks &gt; 2000 gallons)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Fee</td>
<td>$510</td>
</tr>
<tr>
<td>Daily Fee for 1-inch meter</td>
<td>$0.10</td>
</tr>
<tr>
<td>Daily Fee for 2-inch meter</td>
<td>$0.20</td>
</tr>
<tr>
<td>Daily Fee for 3-inch meter</td>
<td>$1.20</td>
</tr>
<tr>
<td>Repair of breakage/damage to District assets</td>
<td>Time &amp; Materials</td>
</tr>
</tbody>
</table>
### Fire Hydrant Flow Testing Fee Changes

<table>
<thead>
<tr>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flow testing of fire hydrants</td>
<td>$235</td>
</tr>
<tr>
<td>Request for flow test, District has existing information within last 3 years and no significant changes have occurred</td>
<td>$30</td>
</tr>
<tr>
<td>No existing fire flow information. Modeled fire flow is ok.</td>
<td>$105</td>
</tr>
<tr>
<td>No existing information. Full test is requested.</td>
<td>$565</td>
</tr>
<tr>
<td>Extended pressure test (if requested as part of full flow test).</td>
<td>$695</td>
</tr>
<tr>
<td>Extended pressure test without an additional pressure test.</td>
<td>$470</td>
</tr>
</tbody>
</table>

### Other Recommended Fee Changes

<table>
<thead>
<tr>
<th>Fee/Charge Description</th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>SDC finance contract and recording fee</td>
<td>$290</td>
<td>$500</td>
</tr>
<tr>
<td>Temporary irrigation meter</td>
<td>$2,250</td>
<td>$2,305</td>
</tr>
</tbody>
</table>

• Meter and service installation charges:
  – Increase between 4% and 5% depending on meter size
    (see Exhibit B of resolution)
Next Steps

- **Open House #2**
  - Aug. 24th, 9-11 a.m.
  - Present rate proposal
  - Receive public comment

- **Public Comment Period Closes**
  - August 28th, 4 p.m.

- **Board Meeting - Rate Adoption**
  - Sep. 18th, 7 p.m.

Questions and Answers

*Proposed Changes to Water Rates*

Presentation to TVWD Board

August 21, 2019
Staff presented the Board of Commissioners with a communications and outreach plan for the rate proposal in July 2019.

**Overview:**
- The public comment period for the 2019-20 rate proposal is August 14-28, 2019.
- Customers were mailed a postcard outlining the rate proposal and public process.
- A social media post via NextDoor was provided to the TVWD service area on August 14. The post reminded customers of the first open house and included the link to the public comment form.
- A webpage with a link to the comment form is on the front page of the District’s new website. Since August 1, the rates page has been visited 470 times with an average length on the page of 2 minutes 20 seconds.
- A rate open house was held on August 14. Eleven customers attended.
- Six emails have been received; the email and responses are included in the Thursday Memo.
- Comments received on NextDoor are addressed with Frequently Asked Questions.

**Staff Contact Information:**
Andrea Watson; Communications & Public Affairs Supervisor; 503-848-3012; andrea.watson@tvwd.org

**Attachments:**
Public comment forms received through August 19, 2019
Public Comments Received August 14 - August 19, 2019

All comments will be provided to the Board of Commissioners by September 3, 2019.

Answered: 42   Skipped: 0

<table>
<thead>
<tr>
<th>#</th>
<th>RESPONSES</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>It is acceptable to increase the water rate &quot;if and only if&quot; the base charge is lowered. The water bill should be charged based on the usage of water accordingly. The current base charge is a rip off for a small family and a low water user. Otherwise, we are strongly opposed to the rate increase.</td>
<td>8/19/2019 2:26 PM</td>
</tr>
<tr>
<td>2</td>
<td>Water bills are already too high despite using every water saving strategy I know.</td>
<td>8/18/2019 2:32 PM</td>
</tr>
<tr>
<td>3</td>
<td>No, we don’t need this and our water is already too high.</td>
<td>8/17/2019 1:17 AM</td>
</tr>
<tr>
<td>4</td>
<td>No increases!!! The local water rates are absurd. My water bill is higher than electric, gas, and garbage combined. Manage the money you receive effectively.</td>
<td>8/16/2019 9:55 AM</td>
</tr>
<tr>
<td>5</td>
<td>I am a former customer recently transitioning to the City of Beaverton. However, I have tracked water costs of TVWD since 2009. The information is disturbing. Since 2009 water TVWD water costs have steadily increased from 4-18% even though inflation has been a modest 2-3% and population growth of Washington county has been only 1-2%. It also appears that TVWD tries to hide the magnitude of these increases by passing along small increases in a number of categories like fixed residential charges, volume charges, sewer base fees, sewer usage fees and surface water charges. The problem with these small increases is that the accumulated annual increase is never disclosed. Hence …….probably less push-back. The latest increase for 2018 was 18.2% led by the residential fixed charge which increased by $6.32 or a 20.6% increase. Usually increases like this mean someone does not know how to do there job. In the private section you would not sell your product or service if you tried to pass along a cost increase of this magnitude. But unfortunately your customers are captive and victims of an incompetent Board of Commissioners. Overdevelopment is not an excuse. The Board must advocate for control of development and charge overdevelopers significantly more for water services instead of allocating these costs to all customers.</td>
<td>8/16/2019 8:45 AM</td>
</tr>
<tr>
<td>6</td>
<td>NO! How do we defund your agency and go to Beaverton City Water / MUCH MUCH CHEAPER</td>
<td>8/14/2019 11:19 PM</td>
</tr>
<tr>
<td>7</td>
<td>A program needs to be developed for low income residents who struggle to pay their water bills monthly. The TVWD rates keep going up. All the Board of Commissioners ever do is approve rate increase after rate increase after rate increase, with zero consideration for the low income residents in this Water District. Once per year assistance for low income residents is not adequate - What are these low income residents supposed to do (get evicted??) for the other 11 months of the year of Water Bills? Portland Water Bureau has a very good year-round discount program for its low income residents. The TVWD Board of Commissioners probably knows about the Portland Water Bureau’s low income program, but if they are not familiar with it, please study it. Then, model a new TVWD year-round, low income discount program, on the Portland Water Bureau’s program. Five years ago, I heard you were looking at this issue, but it’s a total joke that NOTHING has been done about this in over five years or more!!</td>
<td>8/14/2019 4:42 PM</td>
</tr>
<tr>
<td>8</td>
<td>Your past and present rate increases are too much, too fast and simply obscene to impose such inherently unfair water bills on our household budget. It’s as though you’re intentionally forcing what’s left of the middle class to move out of our humble neighborhood involuntarily. It feels like gentrification. We need relief and pray the Board of Commissioners take action to decrease these unaffordable water &amp; sewage bills.</td>
<td>8/14/2019 4:12 PM</td>
</tr>
<tr>
<td>9</td>
<td>Please stop raising rates - please cut your staff and show us how much money the employees make in pay and benefits.</td>
<td>8/14/2019 2:52 PM</td>
</tr>
<tr>
<td>10</td>
<td>Consistently raising rates &gt; rate of inflation at a time when you have more customers than ever to spread your core costs over is unacceptable. The community is discussing petitioning PUC to put you under Oregon State Regulatory Control.</td>
<td>8/14/2019 2:14 PM</td>
</tr>
<tr>
<td>11</td>
<td>Please cut back and live within your means. 85% of my water bill is fixed only 15% is usage. I cannot cut my water bill anymore because of your high costs. I am tired of these increases</td>
<td>8/14/2019 1:25 PM</td>
</tr>
</tbody>
</table>
TVWD Rate Increase Proposal Under Consideration

12 The high cost of water here is insane. It literally rains for 8 months out of the year and this water district can’t figure out how to make use of that HUGE renewable resource!? Shame! Shame on all of you for not trying harder and being better. Shame on you for trying to raise rates in a place that already has some of the highest cost of living in the country. If you can’t find a way to get the people cheap good water here, then you are doing it wrong and must be replaced.

13 No family of 4 uses 7 CCF, more like 11-15. The rate hike is deceptive in how it is communicated. That makes for about $7-$8/ month or $15/ billing cycle for an average family. Unacceptable. The only reason for upgrades to larger capacity is the growth and expansion within the UGB. Why not raise higher fees for new construction to compensate the need for higher TVWD system capacity?

14 1) You already planned for this- "The District enters the first year of the 2009-2011 biennium with combined cash reserves and investments of $75.9 million. This includes appropriations of $10.6 million in contingency reserves, $33.0 million for rate stabilization, and other reserves for working capital and capital replacement. The District is deliberately retaining a high level of reserves in anticipation of significant investments in the development of its future water supply source during the next eight to ten years. " 2) charge the developers a fee for the having to build and establish water storage systems for their "communities." 3) Capture rainwater rather than pull from Bull Run or the Willamette. 4) limit development so that residents are minimally affected by water shortages that necessitate having to buy and build infrastructure.

15 The water rates are already amongst the highest in the nation. I do NOT support any more increases.

16 The existing customers should NOT have to pay to subsidize new systems for the South Hillsboro and other developments. The new residents should be charged an increased rates!

17 The water bill is already freaking expensive. It's ridiculous that you guys want to raise it again. No matter what the reason is, it's a BIG NOOOO!

18 Please don’t raise the price. I already can barely afford it as is.

19 There is too much money not be used effectively by this wasteful board. Show us true figures of the income and expenditures of ALL water/sewage uses to justify this increase.

20 This kind of increase is difficult for those of us trying to keep our homes after retirement. If one is single and does not have a pension or saving we are living, surviving (barely) with just enough to pay mortgage and utilities now. Please don't use Willamette River water due to the "sewage" spills that seem to happen as needed. Can't that be fixed so it does not happen anymore?

21 You have got to be kidding me with another increase! Over 60% of my bill is taxes and fees! Less than half of my bill is for the water and sewer volume we actually use. Absolutely ridiculous. I have a feeling you guys don't care what we have to say anyway so I dont know why I'm even wasting my time with this. You're all going to approve the fee hike anyway. Such crap. You guys should be ashamed of yourselves.

22 Another rate increase is outrageous and prices are already extremely expensive! There are many people who I’m sure already can’t afford the cost!

23 The water and sewer rate in THIS distric is the HIGHEST for all places I have lived. Even higher than the high desert aera!

24 Please look at budget cuts, like every homeowner does, before proposing rate increases. Water rates are significantly impacting our salary based middle class homeowners that may own a now expensive home but are on a set income, like myself. After many decades, I feel like utility companies want folks to move on so they can get more dollars from higher paid employees moving in.

25 How can water costs be this high from an area that gets so much rain… I can understand it when I lived in So. Calif. and we had a draught!

26 I feel like we need to stay within our current budget. Increase after increase is making it hard for families to stay within their established budgets.

27 I say, "NO" to yet another TVWD rate increase unless it is justified by an impartial oversight entity, e.g., a PUC. Learn to live within your means like the rest of us.

28 The water rates are high here already. I have a 1800square foot rental in Albuquerque New Mexico. That’s the high desert. I pay less for water at that home than I do here in Oregon. The Albuquerque cost includes trash collection. Its averages to $55 a month. I live in Oregon in 1000 square and pay more for water. And they want an increase?
<table>
<thead>
<tr>
<th>Page</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>29</td>
<td>Stop this and all rate increases are just greed. You already shut down all the RV dump sites so we have to pay you for that also. Stop this. Also atmospheric CO2 is not an emissions issue. [cctruth.org/ipcc.pdf]</td>
</tr>
<tr>
<td>30</td>
<td>My water bill has more than doubled in the past 15 years and my water consumption has decreased dramatically. I can’t afford another rate hike. Water rates in Portland are more expensive than in dry states like Utah! It is getting ridiculous. People on fixed incomes are being hurt by all of these increases.</td>
</tr>
<tr>
<td>31</td>
<td>the fact that you are using the Wilmette River as a water source is disturbing, I dont care how clean and how much treatment it takes!!</td>
</tr>
<tr>
<td>32</td>
<td>We did not ask for all the expansion in the area. There are currently 376 single family homes for sale in realtor.com in Beaverton that already have water resources provided. You have approved the building or more and more new home communities in the area that will require additional water resources and you want us to help foot the bill. NO! Go to all the city counsel members and those that approved these expansions that now require the additional water reservoirs to be built and get your money from them. You need to stop building more and more new homes when there are plenty of current homes for sale and then expect current residents to pick up the tab!</td>
</tr>
<tr>
<td>33</td>
<td>No rate increase is needed. It is already too high water bills we receive</td>
</tr>
<tr>
<td>34</td>
<td>One would think expansion and maintenance were part of an annual budget. Seems rate increases are to cover anything like that. I’ll be voting no.</td>
</tr>
<tr>
<td>35</td>
<td>The current water rates we pay are already a significant amount of our budget. We just received an increase when switched to the Beaverton district without any say in the matter. If the cost of infrastructure is this significant, the increase in costs should be made on all the new developments you keep approving which impacts the need. At some point we will have to start rationing our water consumption in our home just to be able to function on a fixed income!</td>
</tr>
<tr>
<td>36</td>
<td>This seems well above inflation; 2.8% is much more fair, while allowing for infrastructure improvements still</td>
</tr>
<tr>
<td>37</td>
<td>I understand improvements need to be made and that takes money but I am paying a water AND sewer bill which costs me about $120/MONTH for TWO people!! And we are very water conscious. It is already too expensive.</td>
</tr>
<tr>
<td>38</td>
<td>I am not sure why you are asking for public comment as I have spoken out about the last two rate increases and it happens anyways. My paycheck has not increased at all by this rate, in fact, it has gone down. I think it is time for belt-tightening and staff cuts. Make the district feel these cuts. Cut staff wages by 20% over the next 2 years, starting with the highest-paid staff, no overtime, only 5 paid holidays and 15 days of PTO. Publish your budget so everyone can see where the money is going. If I could legally drill my own well or find a way to collect my rainwater needed to live off of I would.</td>
</tr>
<tr>
<td>39</td>
<td>When I moved from Aloha in 2015, we had comparable rates to nearby areas. Having lived in 3 other areas since then (with same family makeup and general usage), I can now say that TVWD is ridiculously more expensive. The City of The Dalles has an extremely outdated system (they still have wood stove pipelines) and have sought grants to offset the rising costs of improving infrastructure. I have not read any mention of TVWD doing the same. Additionally, I do not want to support the $300-$700k homes and the lawns that are being built South Hillsboro. Perhaps you can tack on a fee to the new construction as part of the SFC fees for hooking up to the city. I’d like both of these suggestions thoroughly reviewed and put into place before you raise my rates yet again.</td>
</tr>
<tr>
<td>40</td>
<td>I shutter every time I receive my water bill. I do not use much water at all, one shower a day, 1 load wash per week and hardly any watering outside. I feel I pay TOO much already for my water!!</td>
</tr>
<tr>
<td>41</td>
<td>It is imperative that the new supply and infrastructure are sustainable and minimize negative environmental impacts.</td>
</tr>
<tr>
<td>42</td>
<td>1. Where can we find the costs associated with reasons for the rates increase? 2. Are these increases reversible?</td>
</tr>
</tbody>
</table>
Report of Meetings Attended

Commissioner Bernice Bagnall

<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting or Function</th>
<th>Purpose</th>
<th>$</th>
<th>Claimed</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/29</td>
<td>Outgoing CEO &amp; D. Schmidt Exit interview</td>
<td>50.00</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>8/1</td>
<td>All Employee meeting</td>
<td>Introduce new CEO</td>
<td>50.00</td>
<td>Yes</td>
</tr>
<tr>
<td>8/6</td>
<td>CEO Tom Riemann 1-1 discussion</td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>8/6</td>
<td>Board/Colloquium Rates &amp; Volunteer communication</td>
<td>50.00</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>8/13</td>
<td>CEO, MK, &amp; D. Schmidt Board agenda plan</td>
<td>50.00</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>8/21</td>
<td>Board meeting Rate hike &amp; business</td>
<td>50.00</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

Signed and approved

Date 8/21/2019

Date 8/21/2019

ORS 198.190, “A member of the governing body of a district may receive, not to exceed $50.00 for each day or portion thereof as compensation for services performed as a member of the governing body. Such compensation shall not be deemed lucrative. The governing body may provide for reimbursement of a member for actual and reasonable traveling and other expenses necessarily incurred by a member in performing official duties.” Please note that in accordance with ORS 294.331 (3) members of the budget committee shall receive no compensation for their services as members of such committee.

By Board Resolution 02-14, an amount equal to the unclaimed funds for services will be transferred to the District’s Customer Emergency Assistance Program.
Report of Meetings Attended

**Commissioner Jim Doane**

<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting or Function</th>
<th>Purpose</th>
<th>$</th>
<th>Claimed</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/21</td>
<td>Reg Mtg</td>
<td></td>
<td>50</td>
<td>□ Yes</td>
</tr>
<tr>
<td>8/20</td>
<td>WWS Mtg</td>
<td></td>
<td>50</td>
<td>□ Yes</td>
</tr>
<tr>
<td>8/18</td>
<td>County Comm</td>
<td></td>
<td>50</td>
<td>□ Yes</td>
</tr>
<tr>
<td>8/17</td>
<td>Rate Mtg</td>
<td></td>
<td>50</td>
<td>□ Yes</td>
</tr>
<tr>
<td>8/3</td>
<td>A&amp;W Board Assoc</td>
<td></td>
<td>50</td>
<td>□ Yes</td>
</tr>
<tr>
<td>8/6</td>
<td>Work Session</td>
<td></td>
<td>50</td>
<td>□ Yes</td>
</tr>
<tr>
<td>7/4</td>
<td>TVWD Viz/Summers</td>
<td></td>
<td>50</td>
<td>□ Yes</td>
</tr>
<tr>
<td>7/2</td>
<td>William B. in the Comm</td>
<td></td>
<td>50</td>
<td>□ Yes</td>
</tr>
<tr>
<td>6/19</td>
<td>Mtg w/ Tim</td>
<td></td>
<td>50</td>
<td>□ Yes</td>
</tr>
</tbody>
</table>

Total: $50 to pay, $400 to CIP

Signed and approved

Date 21 Aug 2016

Date 8/21/2016

ORS 198.190, “A member of the governing body of a district may receive, not to exceed $50.00 for each day or portion thereof as compensation for services performed as a member of the governing body. Such compensation shall not be deemed lucrative. The governing body may provide for reimbursement of a member for actual and reasonable traveling and other expenses necessarily incurred by a member in performing official duties.” Please note that in accordance with ORS 294.331 (3) members of the budget committee shall receive no compensation for their services as members of such committee.

By Board Resolution 02-14, an amount equal to the unclaimed funds for services will be transferred to the District’s Customer Emergency Assistance Program.
Report of Meetings Attended

**Commissioner Jim Duggan**

<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting or Function</th>
<th>Purpose</th>
<th>$</th>
<th>Claimed</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 Aug 19</td>
<td>WWSS COM. MTGS REG &amp; EXEC</td>
<td>DECLARATION OF NECESSITY</td>
<td>$50</td>
<td></td>
</tr>
<tr>
<td>6 Aug 19</td>
<td>TVWD WORKSESSION</td>
<td>FINANCIAL REPORTS WWSS ORIENTATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14 Aug 19</td>
<td>RATE OPEN HOUSE</td>
<td>PUBLIC INPUT &amp; ED.</td>
<td>$50</td>
<td></td>
</tr>
<tr>
<td>15 Aug 19</td>
<td>MEETING W/ TDM</td>
<td>1ST TRANSITION</td>
<td>$50</td>
<td></td>
</tr>
<tr>
<td>20 Aug 19</td>
<td>WWSS ORIENTATION</td>
<td>LEADERSHIP TRAINING</td>
<td>$50</td>
<td></td>
</tr>
<tr>
<td>21 Aug 19</td>
<td>TVWD BOARD MTG.</td>
<td>EXEC SUMMARY REG, MONTHLY MTG.</td>
<td>250</td>
<td></td>
</tr>
</tbody>
</table>

Signed and approved

ORS 198.190, “A member of the governing body of a district may receive, not to exceed $50.00 for each day or portion thereof as compensation for services performed as a member of the governing body. Such compensation shall not be deemed lucrative. The governing body may provide for reimbursement of a member for actual and reasonable traveling and other expenses necessarily incurred by a member in performing official duties.” Please note that in accordance with ORS 294.331 (3) members of the budget committee shall receive no compensation for their services as members of such committee.

By Board Resolution 02-14, an amount equal to the unclaimed funds for services will be transferred to the District’s Customer Emergency Assistance Program.
Report of Meetings Attended

Commissioner Todd Sanders

<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting or Function</th>
<th>Purpose</th>
<th>$</th>
<th>Claimed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aug 14</td>
<td>SDAD</td>
<td>New Commissioner Mtg</td>
<td>50</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>Aug 14</td>
<td>Board Work Session</td>
<td>Monthly mtg</td>
<td>0</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>Aug 8</td>
<td>Retirement for Work Luncheon</td>
<td></td>
<td>0</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>Aug 13</td>
<td>WRWC mtg</td>
<td>Quarterly Meeting</td>
<td>50</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>Aug 14</td>
<td>Rate Meeting</td>
<td>Public Meeting</td>
<td>50</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>Aug 21</td>
<td>Board Meeting</td>
<td>Monthly Meeting</td>
<td>50</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>Aug 21</td>
<td>1-01-1 w/ Cox</td>
<td>600 meeting</td>
<td>50</td>
<td>□ Yes □ No</td>
</tr>
</tbody>
</table>

Signed and approved

Date 8/21

Date 8/21

ORS 198.190, “A member of the governing body of a district may receive, not to exceed $50.00 for each day or portion thereof as compensation for services performed as a member of the governing body. Such compensation shall not be deemed lucrative. The governing body may provide for reimbursement of a member for actual and reasonable traveling and other expenses necessarily incurred by a member in performing official duties.” Please note that in accordance with ORS 294.331 (3) members of the budget committee shall receive no compensation for their services as members of such committee.

By Board Resolution 02-14, an amount equal to the unclaimed funds for services will be transferred to the District’s Customer Emergency Assistance Program.
Report of Meetings Attended

**Commissioner Dick Schmidt**

<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting or Function</th>
<th>Purpose</th>
<th>$</th>
<th>Claimed</th>
</tr>
</thead>
<tbody>
<tr>
<td>072919</td>
<td>Exit interview with Mark Knudson</td>
<td></td>
<td>50</td>
<td>Yes</td>
</tr>
<tr>
<td>080619</td>
<td>Work Session</td>
<td>Financials</td>
<td>50</td>
<td>Yes</td>
</tr>
<tr>
<td>081319</td>
<td>Agenda planning with Board President/CEO</td>
<td></td>
<td>50</td>
<td>Yes</td>
</tr>
<tr>
<td>082119</td>
<td>Regular board</td>
<td></td>
<td>50</td>
<td>Yes</td>
</tr>
</tbody>
</table>

ORS 198.190, “A member of the governing body of a district may receive, not to exceed $50.00 for each day or portion thereof as compensation for services performed as a member of the governing body. Such compensation shall not be deemed lucrative. The governing body may provide for reimbursement of a member for actual and reasonable traveling and other expenses necessarily incurred by a member in performing official duties.” Please note that in accordance with ORS 294.331 (3) members of the budget committee shall receive no compensation for their services as members of such committee.

By Board Resolution 02-14, an amount equal to the unclaimed funds for services will be transferred to the District’s Customer Emergency Assistance Program.
Here it is. Thanx. ~dick
I approve these meetings.

--Bernice
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To: Board of Commissioners

From: Paul L. Matthews, Chief Financial Officer

Date: September 18, 2019

Subject: Resolution Establishing Water Rates and Other Service Charges

Requested Board Action:
Consider adopting a resolution establishing water rates and other service charges for the Tualatin Valley Water District with an effective date of November 1, 2019.

Key Concepts:
- The District’s Financial Plan, approved by the Board at its May 15, 2019 regular meeting, included projected annual rate increases of 3.9% for the 2019-21 biennium.
- Based on a revised interest rate estimate for the District’s Water Infrastructure Finance and Innovation Act (WIFIA) loan, staff prepared a revised financial forecast with current assumptions and estimated that 3.6% annual rate increases will be required for the 2019-21 biennium.
- At its July 17, 2019 regular meeting, staff presented the Board water rates calculated to produce the revenues required by the revised financial forecast.
- Also at the July 17, 2019 regular meeting, the Board directed staff by motion to engage in public outreach effort for the proposed changes in rates and set a public hearing for the August 21, 2019 regular board meeting.
- The proposed resolution is based on the revised financial forecast presented to the Board at its July 17, 2019 regular meeting.
- The Board conducted a public hearing during its regular board meeting on August 21, 2019. The public hearing was noticed as required by Oregon law.
- The Board has received public comments during the public comment period of August 14, 2019 through August 28, 2019. Staff consolidated those public comments and provided them to the Board by email on September 5, 2019.

Background:
The proposed resolution sets the District’s water rates and charges. This resolution does not affect system development charges.

At the Board’s July 17, 2019 regular meeting, staff presented a review of the District’s financial status, an update on the District’s long-range financial forecast and a proposal to adjust water rates. Based on the direction of the Board, staff has prepared the attached proposed rate resolution.

The proposed rate adjustments include changes to both the volume charges and the fixed charges. The proposed volume charges are:
There are no changes proposed for the block thresholds under which the block rates apply. For single-family residential customers, consumption of 28 hundred cubic feet (CCF) or less of water per bimonthly period is charged at the lower block 1 rate. Consumption exceeding 28 CCF during a bimonthly period is charged at the higher block 2 rate. The block rates are designed to charge customers in proportion to the cost of serving them. Customers with lower peak demands will have lower water bills than customers with higher peak demands. This rate design is consistent with the Board’s policy that rates should reflect the cost of serving customers.

For customers other than single-family residential, the block 1 rates apply to all water billed at or below 140% of the customer’s 12-month average consumption. Consumption exceeding 140% of a customer’s 12-month average consumption is charged at the higher block 2 rate. As with single-family residential customers, this rate design is consistent with the Board’s policy that rates should reflect the cost of serving customers.

The proposed fixed charges vary by meter size:

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Current</th>
<th>Nov 2019</th>
<th>Nov 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/4 Inch</td>
<td>17.43</td>
<td>18.06</td>
<td>18.71</td>
</tr>
<tr>
<td>1 Inch</td>
<td>21.49</td>
<td>22.26</td>
<td>23.06</td>
</tr>
<tr>
<td>1.5 Inch</td>
<td>28.87</td>
<td>29.91</td>
<td>30.99</td>
</tr>
<tr>
<td>2 Inch</td>
<td>42.59</td>
<td>44.12</td>
<td>45.71</td>
</tr>
<tr>
<td>3 Inch</td>
<td>118.58</td>
<td>122.85</td>
<td>127.27</td>
</tr>
<tr>
<td>4 Inch</td>
<td>158.88</td>
<td>164.60</td>
<td>170.53</td>
</tr>
<tr>
<td>6 Inch</td>
<td>256.06</td>
<td>265.28</td>
<td>274.83</td>
</tr>
</tbody>
</table>

For the typical single-family residential customer, the proposed rate adjustment would result in an increase in their water bill of $1.90 per month beginning November 1, 2019, and another $1.99 per month beginning November 1, 2020. This estimate of the increase is based on a typical customer with a 5/8-inch meter using 7 CCF per month. About 95% of the District’s residential customers have a 5/8-inch meter. About 63% of the single-family residential bills have consumption of 7 CCF or less per month. The estimate of the typical bill is presented as a monthly amount to be consistent with other utility bills customers typically receive. Most of the District’s customers are, however, billed bimonthly. The actual bill impact on individual customers, both residential and all nonresidential, will vary based on water volume usage and meter/service line size.

The proposed rate adjustments are based on an update to the District’s financial forecast produced after the Board approved the District’s Financial Plan. Staff continues to monitor risk that may cause future rate increases to exceed those presented in this staff report. Risks that staff are monitoring include:
1. Increases in the cost of purchased water from the City of Portland and/or the Joint Water Commission.

2. Higher than expected construction costs for capital projects.

3. Unexpected capital expenditures required by the failure of a major facility.

4. Lower than projected water demands and water sales revenue due to cooler and/or wetter weather.

5. General downturn in the local economy that could affect either system development charges, water sales revenue, or both.

6. Request by customers to increase investment in new technologies such as advanced metering infrastructure (AMI) or automated meter reading (AMR).

Staff also conducted a cost-of-service analysis of the District’s other fees and charges and recommends adjustments to a select number of them. These adjustments are required to maintain the Board’s policy on cost of service.

In addition to the normal inflationary adjustments, staff is also recommending the following changes to the District’s other fees and charges:

1. Currently the District refers to its backflow enforcement fee as the Silver Plan. The enforcement fee is assessed to those customers who have backflow devices but have not provided proper documentation of passing test results to the District. The proposed adjustment is merely to rename the current “Silver Plan” to “Enforcement Fee” to more accurately reflect the nature of the fee.

2. Fire hydrant fees are modified to include charges for bulk water delivered to customers through the District’s fire hydrants. This proposed change to the bulk water program was presented to the Board at its April 17, 2019 regular meeting.

3. Charges to conduct fire flow test of fire hydrants is also adjusted to reflect the differences in the cost of providing differing levels of testing. Some tests are conducted entirely in the office while other tests require staff to physically visit the tested hydrant. The new fees reflect these cost differences.

Budget Impact:
The water rates and fees in the proposed resolution are estimated to generate revenue consistent with the District’s revised financial forecast, six-year capital improvement plan and Adopted 2019-21 Biennial Budget.

Staff Contact Information:
Paul Matthews; Chief Financial Officer; 503-848-3017; paul.matthews@tvwd.org
Resolution Establishing Water Rates and Other Service Charges

**Attachments:**
Proposed resolution

**Management Staff Initials:**

<table>
<thead>
<tr>
<th>Position</th>
<th>Initials</th>
<th>Position</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive Officer</td>
<td>N/A</td>
<td>Customer Service Manager</td>
<td>AC</td>
</tr>
<tr>
<td>Chief Engineer</td>
<td>CP</td>
<td>IT Services Director</td>
<td>N/A</td>
</tr>
<tr>
<td>Chief Financial Officer</td>
<td></td>
<td>Human Resources Director</td>
<td>N/A</td>
</tr>
<tr>
<td>General Counsel</td>
<td>CB</td>
<td>Water Supply Program Director</td>
<td>N/A</td>
</tr>
</tbody>
</table>
RESOLUTION NO. 24-19

A RESOLUTION ESTABLISHING WATER RATES AND OTHER SERVICE CHARGES FOR THE TUALATIN VALLEY WATER DISTRICT WITH AN EFFECTIVE DATE OF NOVEMBER 1, 2019.

WHEREAS, a public hearing was held by the Board of Commissioners of the Tualatin Valley Water District on August 21, 2019 to consider increases in water rates and related fees to be paid for District operations, the purchase of water and capital improvements; and

WHEREAS, pursuant to the provisions of ORS 264.312, notice of said public hearing and the purpose thereof was given by mailing a notice of hearing to the customers of the District in accordance with the requirement of said statute; and

WHEREAS, based on the recommendations of the administrative staff of the District and the testimony heard, received and considered by the Board from such public hearing, the Board of Commissioners finds that:

(1) It is necessary to adopt fixed and volume rates for water services provided by the District, and related fees and charges, to provide resources to fund the costs of operating the District, fund necessary capital improvements and to support the development of new water supplies; and

(2) The adopted budget for the 2019-2021 biennium, six-year capital improvement plan and District Financial Plan identify current and future resources needed to continue implementation of the Willamette Water Supply System, and construct improvements to the District’s water system infrastructure for seismic and system reliability purposes; and

(3) The District purchases most of its water supply for distribution within the District from the City of Portland, Oregon, and acquires substantially the remainder of its supply as a partner in the Joint Water Commission.

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

Section 1: This resolution takes effect November 1, 2019. The rates and charges shown in Exhibit A and Exhibit B, attached hereto and by this reference incorporated herein, are hereby adopted by the District.

Section 2: The District hereby shall make a copy of this resolution available to the public at the office of the District and through other media.

Approved and adopted at a regular meeting held on the 18th day of September 2019.

_______________________________    _____________________________ ___
Bernice Bagnall, President          Todd Sanders, Secretary
### TUALATIN VALLEY WATER DISTRICT
**EXHIBIT A - WATER RATES**

<table>
<thead>
<tr>
<th>VOLUME WATER CHARGE:</th>
<th>Effective 11/1/2019</th>
<th>Effective 11/1/2020</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CLASS CODE 1</strong></td>
<td></td>
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<tr>
<td>RESIDENTIAL</td>
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<td></td>
</tr>
<tr>
<td>BLOCK 1</td>
<td>$5.42</td>
<td>$5.62</td>
</tr>
<tr>
<td>BLOCK 2</td>
<td>$7.73</td>
<td>$8.01</td>
</tr>
<tr>
<td><strong>CLASS CODE 2</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MULTI-FAMILY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BLOCK 1</td>
<td>$5.42</td>
<td>$5.62</td>
</tr>
<tr>
<td>BLOCK 2</td>
<td>$7.73</td>
<td>$8.01</td>
</tr>
<tr>
<td><strong>CLASS CODE 3</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMERCIAL NON-PRODUCT</td>
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<td></td>
</tr>
<tr>
<td>BLOCK 1</td>
<td>$5.42</td>
<td>$5.62</td>
</tr>
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<td>BLOCK 2</td>
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<td>$8.01</td>
</tr>
<tr>
<td><strong>CLASS CODE 4</strong></td>
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<tr>
<td>PRODUCTION PROCESSES</td>
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<td></td>
</tr>
<tr>
<td>BLOCK 1</td>
<td>$5.42</td>
<td>$5.62</td>
</tr>
<tr>
<td>BLOCK 2</td>
<td>$7.73</td>
<td>$8.01</td>
</tr>
<tr>
<td><strong>CLASS CODE 5</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FIRELINE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BLOCK 1</td>
<td>$5.42</td>
<td>$5.62</td>
</tr>
<tr>
<td><strong>CLASS CODE 6</strong></td>
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<tr>
<td>IRRIGATION</td>
<td></td>
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<tr>
<td>BLOCK 1</td>
<td>$5.42</td>
<td>$5.62</td>
</tr>
<tr>
<td>BLOCK 2</td>
<td>$7.73</td>
<td>$8.01</td>
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<tr>
<td><strong>CLASS CODE 7</strong></td>
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</tr>
<tr>
<td>TEMPORARY IRRIGATION</td>
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<td></td>
</tr>
<tr>
<td>BLOCK 1</td>
<td>$5.42</td>
<td>$5.62</td>
</tr>
<tr>
<td>BLOCK 2</td>
<td>$7.73</td>
<td>$8.01</td>
</tr>
<tr>
<td><strong>CLASS CODE 8</strong></td>
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<tr>
<td>LOCAL GOVERNMENT WATER PURVEYORS</td>
<td></td>
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<tr>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**FIXED CHARGES (FOR ALL CLASS CODES):**

<table>
<thead>
<tr>
<th>METER SIZE OR EQUIVALENT</th>
<th>Effective 11/1/2019</th>
<th>Effective 11/1/2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>SERVICE SIZE</td>
<td>BI-MONTHLY</td>
<td>MONTHLY</td>
</tr>
<tr>
<td>5/8&quot;</td>
<td>$16.40</td>
<td>$32.80</td>
</tr>
<tr>
<td>3/4&quot;</td>
<td>$18.06</td>
<td>$36.12</td>
</tr>
<tr>
<td>1&quot;</td>
<td>$22.26</td>
<td>$44.52</td>
</tr>
<tr>
<td>1 1/2&quot;</td>
<td>$29.91</td>
<td>$59.82</td>
</tr>
<tr>
<td>2&quot;</td>
<td>$44.12</td>
<td>$88.24</td>
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<tr>
<td>3&quot;</td>
<td>$122.85</td>
<td>$245.70</td>
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<tr>
<td>4&quot;</td>
<td>$164.60</td>
<td>$329.20</td>
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<td>6&quot;</td>
<td>$265.28</td>
<td>$530.56</td>
</tr>
<tr>
<td>8&quot;</td>
<td>$383.19</td>
<td>$766.38</td>
</tr>
<tr>
<td>10&quot;</td>
<td>$630.23</td>
<td>$1,260.46</td>
</tr>
</tbody>
</table>

Note: If snowbird customers do not request a service turn-on from the District and there has been movement on the meter, the District will apply fixed charges for the entire 2-month billing cycle.

Private fire services are charged at the service size as determined by the nominal size of the backflow prevention assembly unless otherwise established by the District’s Chief Engineer based on engineering equivalence. For service sizes not listed above, the next larger service size will be used.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Fee/Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Water Service on or off at customer’s or owner’s request</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. First call -- during office hours, Monday through Friday except for snowbird turn off.</td>
<td>N/C</td>
</tr>
<tr>
<td></td>
<td>b. Leaks or emergencies beyond customer control --</td>
<td>N/C</td>
</tr>
<tr>
<td></td>
<td>- during office hours or after hours or weekends</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c. Service on and off, second call during office hours</td>
<td>$100</td>
</tr>
<tr>
<td></td>
<td>d. Service on and off, second call after hours (an additional)</td>
<td>$85</td>
</tr>
<tr>
<td></td>
<td>e. All snowbird turn offs</td>
<td>$95</td>
</tr>
<tr>
<td>2.</td>
<td>Water Service on and off for non-payment</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. Service on and off, during office hours, Monday through Friday</td>
<td>$100</td>
</tr>
<tr>
<td></td>
<td>b. After hours or weekend service on and off (an additional)</td>
<td>$85</td>
</tr>
<tr>
<td></td>
<td>c. Broken promise turn off</td>
<td>$100</td>
</tr>
<tr>
<td>3.</td>
<td>Additional charges, if necessary, to enforce payment of bill or charges</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. Removal of meter</td>
<td>$185</td>
</tr>
<tr>
<td></td>
<td>b. Reinstallation of meter</td>
<td>N/C</td>
</tr>
<tr>
<td></td>
<td>c. Installation or removal of locking device-first occurrence</td>
<td>$100</td>
</tr>
<tr>
<td></td>
<td>d. Installation or removal of locking device-second occurrence</td>
<td>$115</td>
</tr>
<tr>
<td></td>
<td>e. Installation or removal of locking device-third occurrence</td>
<td>$220</td>
</tr>
<tr>
<td></td>
<td>f. Repair of breakage/damage to locking mechanism (curb stops, etc.)</td>
<td>Time &amp; Materials</td>
</tr>
<tr>
<td></td>
<td>g. Service off water at main or reinstating service</td>
<td>Time &amp; Materials</td>
</tr>
<tr>
<td></td>
<td>h. Check returned by bank for non-payment (NSF)</td>
<td>$33</td>
</tr>
<tr>
<td></td>
<td>i. Meter tampering and/or using water without authority</td>
<td>$60</td>
</tr>
<tr>
<td></td>
<td>j. Penalty for incorrect financial institution account information</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- First two times no charge. Charge per incident, third time and above.</td>
<td>$25</td>
</tr>
<tr>
<td>4.</td>
<td>Illegal use of water</td>
<td>$150</td>
</tr>
<tr>
<td></td>
<td>(plus water usage billed at current rates)</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Illegal use of fire line</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. First occurrence</td>
<td>N/C</td>
</tr>
<tr>
<td></td>
<td>b. Second occurrence (plus estimated water usage billed at Block 1 rate)</td>
<td>$150</td>
</tr>
<tr>
<td></td>
<td>c. Third occurrence (plus estimated water usage billed at Block 1 rate)</td>
<td>$1,000</td>
</tr>
<tr>
<td></td>
<td>d. All subsequent occurrences subject to final remedies determined by CEO</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- or designee on a case-by-case basis per District Rules and Regulations</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- plus estimated water usage billed at Block 1 rate</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Decreasing or increasing size of meter</td>
<td>Time &amp; Materials</td>
</tr>
<tr>
<td></td>
<td>(plus any applicable system development charges)</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Testing water meters at customer’s or owner’s request</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. Testing on premises (5/8” – 3/4” – 1”)</td>
<td>$185</td>
</tr>
<tr>
<td></td>
<td>b. Removal of meter for testing (5/8” – 3/4” – 1”)</td>
<td>$400</td>
</tr>
<tr>
<td></td>
<td>c. Testing of meters larger than 1”</td>
<td>Time &amp; Materials</td>
</tr>
</tbody>
</table>
8. Usage of meter key
   a. Deposit refundable with key return $25 Deposit

9. Removal of meter during construction
   a. Removal of meter $185
   b. Loss of meter (see Meter & Service Installation Charges) Based on Meter Size

10. Fire hydrant fees
    a. Repair of breakage/damage Time & Materials
    Fire hydrant permits -- mandatory for fire hydrant usage:
    b. Hydrant permit (tanks ≤ 1000 gallons) $360
    c. Hydrant permit (tanks 1001-2000 gallons) $1,085
    d. Off-site tank inspection (does not include permit) $95
    e. Penalty for unauthorized hydrant use (within a 12-month period):
       First offense $1,000
       Second offense $2,000
       Third offense $4,000
    f. Penalty for using non-approved ( uninspected) tank (within a 12-month period) $2,000
    
    Daily hydrant meter fees:
    g. Administrative Fee $510
    h. Daily Fee for 1-inch meter $0.10
    i. Daily Fee for 2-inch meter $0.20
    j. Daily Fee for 3-inch meter $1.20
    k. Hydrant meter deposit (refundable less damages):
       1-inch $500
       2-inch $1,000
       3-inch $2,000

11. Backflow prevention device testing
    Device testing
    a. Initial test fee per device $110
    b. All subsequent tests are the responsibility of the owner -- to be done annually by a State Certified Backflow Tester of their choice
    Gold plan
    Annual fee per device dependent on customer agreement to have the District schedule & perform required annual test. Test performed by District contractor & includes $50 annually in minor repairs to existing device to achieve passing test. $35
    Enforcement fee
    Annual fee per device. Applies if customer hasn't completed annual test by required date and is scheduled for shutoff. Test performed by District contractor in lieu of shutoff. Fee does not include cost of repairs that may be required. $50
    Service on and off for non-compliance of annual testing and reporting.
    a. Service on and off, during office hours, Monday through Friday $100
    b. After hours or weekend service on and off (an additional) $85
12. Flow testing of fire hydrants
   a. Request for flow test, we have existing information within last 3 years, and no significant changes have occurred. $30
   b. No existing fire flow information. Modeled fire flow is ok. $105
   c. No existing information. Full test is requested. $565
   d. Extended pressure test (if requested as part of full flow test). $695
   e. Extended pressure test without an additional flow test. $470

13. Plan review fees (see Resolution 25-18) 

14. SDC finance contract and recording fee 
   $500

15. Temporary irrigation meter 
   $2,305

16. Public records request fees 
   a. Staff time - no cost for first half hour of staff time (rate per hour) $35
   b. Staff time to transcribe a recording (rate per hour) $35
   c. Attorney time for reviewing and redacting records (billed in tenths of an hour) Actual cost
   d. Certified copy service (rate per certification) $5

Photocopies: 
   e. Black and white - 8 1/2” x 11” (price per sheet of paper) $0.02
   f. Black and white - 8 1/2” x 14” and larger (price per sheet of paper) $0.05
   g. Color - 8 1/2” x 11” (price per page) $0.05
   h. Color - 8 1/2” x 14” and larger (price per page) $0.15
   i. Data media (e.g., CD or DVD) Actual cost
   j. Mailing and postage supplies Actual cost

Other billing charges 
Any other services performed by District personnel for which there is not a fee specified in this Resolution shall be charged at the employee’s salary plus the cost of other personnel expenses for the actual time spent on the service (minimum 0.25 hours); plus the cost for materials and District equipment used including overhead rates and any deposits required by the District.

Carrying charges 
Bills issued by TVWD which remain unpaid for over thirty (30) days may be subject to a carrying charge at a rate of 9% per year on the unpaid balance.

Fee Waivers 
The Chief Executive Officer (CEO) or designee may waive all or a portion of the Other Service Charges & Penalties in Exhibit B if the CEO or designee determines that it is in the equitable and best interest of the District considering the particular circumstances involved in each case.
### Meter and Service Installation Charges By Meter Size

<table>
<thead>
<tr>
<th>METER SIZE</th>
<th>Subdivision</th>
<th>Service Install*</th>
<th>Refundable**</th>
<th>Meter Fee</th>
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<tbody>
<tr>
<td>5/8&quot;</td>
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<td>$315</td>
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<td>3/4&quot;</td>
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<td>$395</td>
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<td>$590</td>
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<td>2&quot;</td>
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<td>$3,015</td>
<td>$0</td>
<td>$720</td>
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</table>

* Per District water system standards all meters to 1" in size require a 1" service line.

** Amount refundable applies only if TVWD is able to install its services before other utilities.

<table>
<thead>
<tr>
<th>METER SIZE</th>
<th>Dig-Ins</th>
<th>Banked Dig-Ins</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Service Install*</td>
<td>Meter Fee</td>
</tr>
<tr>
<td>5/8&quot;</td>
<td>$315</td>
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<td>1-1/2&quot;</td>
<td>$3,015</td>
<td>$590</td>
</tr>
<tr>
<td>2&quot;</td>
<td>$3,015</td>
<td>$720</td>
</tr>
</tbody>
</table>

* Per District water system standards all meters to 1" in size require a 1" service line.  
All new meters include Automatic Meter Reading (AMR) capability. 
Dig-ins are defined as a service tap in an existing main in an existing street. 
Subdivisions are defined as undeveloped streets where mains will be installed. 
Banked dig-ins are defined as one excavation with more than one service tap. 
Fees for Banked Dig-Ins for meters larger than 1" will be determined on a case by case basis by the District’s Engineering Department.
Requested Board Action:
Consider adopting a resolution declaring public necessity to acquire permanent easements and temporary construction easements on Tax Lot 2S106B000500 for pipeline section PLM_5.2 for the Willamette Water Supply System.

Key Concepts:
- PLM_5.2 is a portion of the Willamette Water Supply System transmission main in the City of Beaverton and Washington County from SW Roy Rogers Road along SW Scholls Ferry Road and SW Tile Flat Road to SW Grabhorn Road.
- Construction of PLM_5.2 started this year to enable completion prior to the developers’ construction projects in the same general area.
- The TVWD Board previously approved Resolution 20-18 (and Resolution 20-19) enabling acquisition of easements needed to construct PLM_5.2.
- After consideration of various alignments and alternatives, the identified route for the water system facilities will be located in a manner which will be most compatible with the greatest public good and the least private injury. Subsequent to approval of Resolution 20-18, various design changes were necessary to accommodate pipeline section PLM_5.2, which have modified the permanent and temporary easements needed on Tax Lot 2S106B000500.
- Negotiations with the owner of Tax Lot 2S106B000500 have been unsuccessful. The TVWD Board previously authorized the filing of a complaint to condemn the needed property interests. The Circuit Court dismissed the complaint without prejudice, based on the initial alignment of pipeline section PM_5.2 (with respect to Tax Lot 2S106B000500) provided in Resolution 20-18.
- This resolution reaffirms the public need for the Willamette Water Supply System, and specifically pipeline section PLM_5.2, which was previously approved in Resolution 20-18 (and reaffirmed in Resolution 20-19) and clarifies the permanent and temporary easements needed on Tax Lot 2S106B000500.

Background:
The pipeline route for PLM_5.2 includes the area on SW Scholls Ferry Road west of SW Roy Rogers Road, then north on SW Tile Flat Road to SW Grabhorn Road. It is located in both the City of Beaverton and Washington County. It is approximately 9,911 feet of 66-inch diameter welded-steel pipe to convey finished drinking water from the water treatment plant to the terminal storage reservoirs.
This pipeline alignment generally follows the current right-of-way (ROW) but requires easements to fulfill Willamette Water Supply Program (WWSP) standard construction work zone requirements. Inside the City of Beaverton limits along SW Scholls Ferry Road and SW Tile Flat Road, much of the easement area is located in the planned residential development area, and WWSP has coordinated with both the developers and the City of Beaverton to locate the pipeline in future road ROW. Securing additional easements on the remainder of the pipeline, adjacent to the future ROW, is required to allow for reduced traffic disruption on these roads during construction by avoiding road closures to the maximum extent practicable. It also minimizes utility and pipeline conflicts and provides a wider and safer work zone for pipeline installation.

At the TVWD Board’s July 2018 meeting, the Board approved Resolution 20-18 that enabled commencement of real estate acquisition activities for temporary and permanent construction easements for PLM_5.2, including on Tax Lot 2S106B000500. TVWD, through the WWSP, retained real estate appraisers, negotiators and other consultants to assist with negotiating with the affected property owners. Subsequent to the approval of Resolution 20-18, WWSP and its consultants determined that design changes were necessary to accommodate pipeline section PLM_5.2, which modified the permanent and temporary easements needed on Tax Lot 2S106B000500. After WWSP issued a written offer to purchase the property interests on 2S106B000500, the Board reaffirmed the use of condemnation through approval of Resolution 20-19 at the June 19, 2019 meeting.

Condemnation proceedings were initiated to acquire the property interests on 2S106B000500 after negotiations were unsuccessful. During the pursuit of immediate possession to allow construction access, the property owner objected to the motion and the Circuit Court dismissed the case (Case No: 19CV32796) sua sponte, without prejudice. Although the Circuit Court noted that Resolution 20-18 correctly established public need and that TVWD had issued a written offer to the property owner pursuant to condemnation pre-filing procedures, the Circuit Court dismissed the action because Resolution 20-18, which was passed prior to the written offer, did not reflect the subsequent design changes necessary to accommodate pipeline section PLM_5.2, which modified property interests needed on 2S106B000500.

The property interests on 2S106B000500 are still needed for the construction, location and operation of pipeline section PLM_5.2 for the Willamette Water Supply System. The current alignment of PLM_5.2, which includes the design changes, was selected through an extensive alternatives evaluation, and the preferred location was selected based on the best interests of the public and the least injury to private property owners. The resolution enables the reinitiation of the property acquisition process, including negotiations with interest holders, and authorizes the acquisition of the property interests by eminent domain.

**Budget Impact:**
There are budgeted funds adequate for the acquisitions originally authorized by Resolution 20-18 and Resolution 20-19 and confirmed by the proposed resolution.

**Staff Contact Information:**
Dave Kraska, PE; WWSP Program Director; 503-941-4561, david.kraska@tvwd.org
Clark Balfour; General Counsel; 503-848-3061; clark.balfour@tvwd.org
Easement Acquisition for Pipeline Section PLM_5.2

Attachments:
Project area map
PLM_5.2 Easement Exhibit
Proposed resolution
Exhibit A: Legal Description
Exhibit B: Acquisition Map

Management Staff Initials:

<table>
<thead>
<tr>
<th>Position</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive Officer</td>
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<tr>
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<tr>
<td>Chief Engineer</td>
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<td>Human Resources Director</td>
<td>N/A</td>
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<tr>
<td>General Counsel</td>
<td>C/</td>
</tr>
<tr>
<td>Water Supply Program Director</td>
<td></td>
</tr>
</tbody>
</table>

Project Area Map:
RESOLUTION NO. 25-19

A RESOLUTION DECLARING PUBLIC NECESSITY TO ACQUIRE PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS ON TAX LOT 2S106B000500 FOR PIPELINE SECTION PLM_5.2 FOR THE WILLAMETTE WATER SUPPLY SYSTEM.

WHEREAS, the above-entitled matter came before the Board of Commissioners of the Tualatin Valley Water District (“TVWD”) at its regular meeting on September 18, 2019; and

WHEREAS, TVWD has authority under ORS 264.240 and ORS Chapter 35 to acquire real property by purchase or through eminent domain; and

WHEREAS, on or about June 16, 2015, TVWD entered into an intergovernmental agreement under ORS chapter 190 with the City of Hillsboro (“Design and Construction Agreement”) to permit, design, finance and construct the Willamette Water Supply System, as set forth in the Design and Construction Agreement; and

WHEREAS, the Design and Construction Agreement vested TVWD with authority to acquire real property interests for the Willamette Water Supply System; and

WHEREAS, on July 18, 2018, the TVWD Board of Commissioners (“Board”) approved Resolution 20-18 declaring public necessity to acquire certain permanent easements and temporary construction easements for pipeline section PLM_5.2 of the Willamette Water Supply System by the power of eminent domain; and

WHEREAS, among other items, Resolution 20-18 declared that it is necessary for the economic well-being, public health, safety and welfare of TVWD, and members of the public served by TVWD, to acquire fee title to necessary properties as well as necessary rights-of-way and easements to implement the Willamette Water Supply System; and

WHEREAS, Resolution 20-18 also declared that certain permanent and temporary construction easements on private property, including Tax Lot 2S106B000500, are necessary for the location of pipeline section PLM_5.2, and that such use was planned and located in a manner that was most compatible with the greatest public benefit and the least private injury; and

WHEREAS, subsequent to the approval of Resolution 20-18, various design changes were necessary for the location and operation and of pipeline section PLM_5.2; and

WHEREAS, such design changes have modified the property interests needed on Tax Lot 2S106B000500 to accommodate pipeline section PLM_5.2; and

WHEREAS, the Willamette Water Supply System Intergovernmental Agreement (“Commission Agreement”) between TVWD, the City of Hillsboro and the City of Beaverton created the Willamette Water Supply System Commission (“Commission”), an ORS chapter 190 intergovernmental entity, effective July 1, 2019, to design, locate, construct, own, operate and maintain the Willamette Water Supply System, as set forth in the Commission Agreement; and
WHEREAS, pursuant to Commission Resolution No. WWSS-02-19, the Commission designated TVWD as its Managing Agency and vested TVWD with authority to continue to acquire real property interests on behalf of the Commission for the Willamette Water Supply System; and

WHEREAS, the TVWD Board reaffirms that it is necessary for the economic well-being, public health, safety and welfare of TVWD, and members of the public served by TVWD and the Commission through the Willamette Water Supply System, to acquire fee title to certain real property, as well as necessary rights-of-way, easements and other property interests, in order to design, construct, locate, operate and implement the Willamette Water Supply System; and

WHEREAS, the TVWD Board has determined that permanent and temporary construction easements on Tax Lot 2106B000500 are necessary for the construction, location and operation of the Willamette Water Supply System, and in particular, the water pipeline and related water system facilities for pipeline section PLM_5.2, and that such use is planned and located in a manner that is most compatible with the greatest public benefit and the least private injury; and

WHEREAS, such permanent and temporary construction easements on Tax Lot 2S106B000500 are depicted for illustration purposes only on Exhibit B and are described on Exhibit A attached hereto and incorporated by reference ("Property Interests"), with final easement documents as determined by the Willamette Water Supply Program and its consultants, on behalf of TVWD, to be reasonably necessary to accommodate the design and operation of the Willamette Water Supply System; and

WHEREAS, the TVWD Board finds that declaration by resolution to acquire the Property Interests is necessary, and being fully advised.

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

Section 1: The above recitals shall form an integral part of this resolution and shall have the same force and effect as if fully stated herein.

Section 2: It is necessary for the preservation of economic wellbeing, public health, safety and welfare of TVWD, and members of the public served by TVWD and the Commission through the Willamette Water Supply System, that TVWD acquire the Property Interests through exercise of the power of eminent domain.

Section 3: TVWD staff (which, as used herein, includes the Willamette Water Supply Program) and counsel are authorized to retain appraisers, negotiators and consultants for eminent domain proceedings.

Section 4: TVWD staff and counsel are authorized to negotiate agreements to acquire the Property Interests as they deem necessary and pay just compensation and, if applicable, compensable damages, in accordance with applicable law.

Section 5: TVWD staff and counsel are authorized to file a complaint in condemnation and take other steps as they determine necessary, and to prosecute to final determination such action to acquire title to the Property Interests. Upon the trial of any suit or action instituted to acquire the Property Interests, TVWD staff and counsel are authorized to make such stipulation, agreement or
admission as in their judgment may be in the best interest of TVWD and to take possession of the Property Interests at such time as appropriate in their judgment without necessity of further TVWD Board approval.

Approved and adopted at a regular meeting held on the 18th day of September 2019.

______________________________________________  _________________________________________
Bernice Bagnall, President  Todd Sanders, Secretary
EXHIBIT A

Willamette Water Supply
September 9, 2019

Ed Bartholemy
Tax Map No. 2S106B 00500

PARCEL 1 – PERMANENT UTILITY EASEMENT

A parcel of land lying in the Section 6, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon and being a portion of that property conveyed Ed Bartholemy, recorded October 21, 2014 as Document No. 2014-066989, in the Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying on the northerly side of the following described Control Centerline:

Beginning at Centerline Station 807+72.00, said point being N 88°16'49" E, 3197.30 feet from the West 1 / 4 corner of Section 6, Township 2 South, Range 1 West of the Willamette Meridian; Thence along said centerline the following courses:
S 89°29'59" W, 189.70 feet to Station 809+61.70;
thence S 83°03'43" W, 100.59 feet to Station 810+62.29;
thence S 85°38'46" W, 147.71 feet to Station 812+10.00;
thence S 71°15'21" W, 55.55 feet to Station 812+65.55;
thence S 89°18'27" W, 1151.34 feet to Station 824+16.88;
thence N 45°57'23" W, 129.72 feet to Station 825+46.60;
thence S 88°46'47" W, 441.22 feet to Station 829+87.82;
thence S 89°29'07" W, 906.98 feet to Station 838+94.79;
thence S 85°10'41" W, 149.31 feet to Station 840+44.10, said point being N 19°22'34 W, 105.21 feet from said West 1 / 4 corner of Section 6;
thence continuing along said centerline S 79°51'57" W, 34.86 feet to Station 840+78.97;
thence S 76°09'13" W, 93.50 feet to Station 841+72.87;
thence S 71°04'33" W, 82.23 feet to Station 842+55.09;
thence S 68°42'19" W, 756.34 feet to Station 850+11.44;
thence S 69°44'05" W, 88.45 feet to Station 850+99.89;
thence N 68°25'58" W, 61.32 feet to Station 851+61.20;
thence N 32°20'49" W, 105.87 feet to Station 852+67.07;
thence N 30°20'05" W, 916.82 feet to Station 861+83.90;
thence N 29°58'27" W, 227.75 feet to Station 864+11.64;
thence N 74°58'27" W, 35.00 feet to Station 864+46.65;
thence N 29°58'27" W, 162.22 feet to Station 866+08.86;
thence N 33°01'07" W, 96.75 feet to Station 867+05.61;
thence N 8°01'36" E, 35.07 feet to Station 867+40.68;
thence N 38°22'58" W, 25.07 feet to Station 867+65.75;
thence N 39°09'05" W, 561.37 feet to Station 873+27.12;
thence N 40°04'53" W, 358.16 feet to a point of curvature at Station 876+85.28;
thence along the arc of a 5034.50 foot radius curve to the left with a central angle of 4°12'40" a curve distance of 370.02 feet (the chord of which bears N 42°11'13" W, 369.94 feet) to a point of tangency at Station 880+55.30 PT;
thence N 44°17'33" W, 144.60 feet to Station 881+99.90;
thence N 46°04'20" W, 126.52 feet to Station 883+26.42;
thence N 49°38'24" W, 126.52 feet to Station 884+52.94;
thence N 51°25'11" W, 99.53 feet to Station 885+52.47;
thence N 57°45'20" W, 84.86 feet to Station 886+37.33;
thence N 70°25'37" W, 84.86 feet to Station 887+22.19; said point being N 51°41'57" W, 50.68
feet from the Northeast corner of the Solomon F. Shattuck D.L.C. number 51;
thence continuing along said centerline N 83°05'54" W, 84.86 feet to Station 888+07.05;
thence N 89°26'02" W, 1401.57 feet to Station 902+08.62;
thence N 44°26'02" W, 27.23 feet to Station 902+35.85;
thence N 0°55'28" E, 224.95 feet to Station 904+60.80;
thence N 25°53'14" W, 150.00 feet to Station 906+10.80;
thence N 0°55'28" E, 94.19 feet to Station 907+04.99 and the Terminus of said centerline
description, said terminus also being N 2°51'50" W, 508.09 feet from the Southeast corner of the
John Landess D.L.C. number 37.

The widths of the strip of land above referred to are as follows:

<table>
<thead>
<tr>
<th>CONTROL CENTERLINE</th>
<th>WIDTH ON NORTHERLY SIDE OF CENTERLINE</th>
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<tbody>
<tr>
<td>From 822+28.36</td>
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<tr>
<td>To 827+50.00</td>
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EXCEPT THEREFROM that portion lying within the right-of-way of SW Scholls Ferry Rd (CR 3278).

The parcel of land to which this description applies contains 18,240 square feet (0.42 acre), more
or less.

Basis of Bearings is the Oregon Coordinate Reference System (OCRS), Portland Zone.
PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

That portion of said Bartholemy property included in a strip of land variable in width, lying on the northerly side of the Control Centerline described in Parcel 1:

The widths of the strip of land above referred to are as follows:

<table>
<thead>
<tr>
<th>CONTROL CENTERLINE STATION</th>
<th>WIDTH ON NORTHERLY SIDE OF CENTERLINE</th>
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<tbody>
<tr>
<td>From 821+53.36</td>
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<tr>
<td>From 823+53.36</td>
<td>142.74 feet in a straight line to 50.00 feet.</td>
</tr>
<tr>
<td>To 827+50.00</td>
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EXCEPT THEREFROM that portion lying within the right-of-way of SW Scholls Ferry Rd (CR 3278) and the above described Parcel 1.

The parcel of land to which this description applies contains 23,952 square feet (0.55 acre), more or less.
EXHIBIT B

FILE No:  WILLOMETE WATER SUPPLY PROGRAM
TAX LOT:  PIPELINE MAIN STEM, SECTION 5.2
TAX MAP: T2S  R1W  Sec06B

ACQUISITION MAP
PAGE 1 OF 1

WILLAMETTE WATER SUPPLY PROGRAM
PIPELINE MAIN STEM, SECTION 5.2
FILE No:  SUBMITTAL DATE:
TAX LOT:  500  ADDRESS:
TAX MAP: T2S  R1W  Sec06B

1":100'

PARCEL 1 PERMANENT
UTILITY EASEMENT
ACQUISITION
AREA = 18,240 S.F.
(0.42 ac)

PARCEL 2 TEMPORARY
CONSTRUCTION EASEMENT
ACQUISITION
AREA = 23,952 S.F.
(0.55 ac)
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To: Board of Commissioners

From: David Kraska, PE, Willamette Water Supply Program Director

Date: September 18, 2019

Subject: Easement Acquisition for Pipeline Section PLM_5.2 - Tax Lot 2S20100800

---

**Requested Board Action:**
Consider adopting a resolution declaring public necessity to acquire permanent easements and temporary construction easements on Tax Lot 2S20100800 for pipeline section PLM_5.2 for the Willamette Water Supply System.

**Key Concepts:**
- PLM_5.2 is a portion of the Willamette Water Supply System transmission main in the City of Beaverton and Washington County from SW Roy Rogers Road along SW Scholls Ferry Road and SW Tile Flat Road to SW Grabhorn Road.
- Construction of PLM_5.2 started this year to enable completion prior to the developers’ construction projects in the same general area.
- The TVWD Board previously approved Resolution 20-18 (and Resolution 20-19) enabling acquisition of easements needed to construct PLM_5.2.
- After consideration of various alignments and alternatives, the identified route for the water system facilities will be located in a manner which will be most compatible with the greatest public good and the least private injury.
- Subsequent to approval of Resolution 20-19, the scope of the interests needed on Tax Lot 2S20100800 was modified to accommodate the design and operation of pipeline section PLM_5.2.
- This resolution reaffirms the public need for the Willamette Water Supply System, and specifically pipeline section PLM_5.2, which was previously approved in Resolution 20-18 (and reaffirmed in Resolution 20-19) and clarifies the property interests needed on Tax Lot 2S20100800.

**Background:**
The pipeline route for PLM_5.2 includes the area on SW Scholls Ferry Road west of SW Roy Rogers Road, then north on SW Tile Flat Road to SW Grabhorn Road. It is located in both the City of Beaverton and Washington County. It is approximately 9,911 feet of 66-inch diameter welded-steel pipe to convey finished drinking water from the water treatment plant to the terminal storage reservoirs.

This pipeline alignment generally follows the current right-of-way (ROW) but requires easements to fulfill Willamette Water Supply Program (WWSP) standard construction work zone requirements. Inside the City of Beaverton limits along SW Scholls Ferry Road and SW Tile Flat Road, much of the easement...
area is located in the planned residential development area, and WWSP has coordinated with both the developers and the City of Beaverton to locate the pipeline in future road ROW. Securing additional easements on the remainder of the pipeline, adjacent to the future ROW, is required to allow for reduced traffic disruption on these roads during construction by avoiding road closures to the maximum extent practicable. It also minimizes utility and pipeline conflicts and provides a wider and safer work zone for pipeline installation.

At the TVWD Board’s July 18, 2018 meeting, the Board approved Resolution 20-18 that enabled commencement of real estate acquisition activities for temporary and permanent construction easements for PLM_5.2, including on Tax Lot 2S20100800. TVWD, through the WWSP, retained real estate appraisers, negotiators and other consultants to assist with negotiating with the affected property owners. Subsequent to the approval of Resolution 20-19, the scope of the interests (specifically the temporary construction easement duration) needed on Tax Lot 2S20100800 was modified to accommodate the design and operation of pipeline section PLM_5.2.

Permanent and temporary easements are still needed on Tax Lot 2S20100800 for the construction, location and operation of pipeline section PLM_5.2 for the Willamette Water Supply System. The current alignment of PLM_5.2, which includes the design changes, was selected through an extensive alternatives evaluation, and the preferred location was selected based the best interests of the public and the least injury to private property owners. The resolution enables the reinitiation of the property acquisition process, including negotiations with interest holders, and authorizes the acquisition of the property interests by eminent domain.

**Budget Impact:**
There are budgeted funds adequate for the acquisitions originally authorized by Resolution 20-18 and Resolution 20-19 and confirmed by the proposed resolution.

**Staff Contact Information:**
Dave Kraska, PE; WWSP Program Director; 503-941-4561; david.kraska@tvwd.org
Clark Balfour; General Counsel; 503-848-3061; clark.balfour@tvwd.org

**Attachments:**
Project area map
PLM_5.2 Easement Exhibit
Proposed resolution
Exhibit A: Legal Description
Exhibit B: Acquisition Map
Management Staff Initials:

<table>
<thead>
<tr>
<th>Role</th>
<th>Initials</th>
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</thead>
<tbody>
<tr>
<td>Chief Executive Officer</td>
<td>N/A</td>
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<tr>
<td>Customer Service Manager</td>
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<td>Chief Engineer</td>
<td>N/A</td>
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<td>IT Services Director</td>
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<td>Chief Financial Officer</td>
<td>N/A</td>
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<td>Human Resources Director</td>
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<tr>
<td>General Counsel</td>
<td>C#</td>
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<tr>
<td>Water Supply Program Director</td>
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</tbody>
</table>

Project Area Map:

[Map showing the project area with labels for PLM_5.1, PLM_5.2, PLM_5.3 pipelines and other relevant markers. The map includes a legend for different symbols used in the map, indicating alignment phase breaks, WWSP pipeline alignment, tax lots, and other geographic features such as the city of Beaverton and the city of Tigard.]
RESOLUTION NO. 26-19

A RESOLUTION DECLARING PUBLIC NECESSITY TO ACQUIRE PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS ON TAX LOT 2S20100800 FOR PIPELINE SECTION PLM_5.2 FOR THE WILLAMETTE WATER SUPPLY SYSTEM.

WHEREAS, the above-entitled matter came before the Board of Commissioners of the Tualatin Valley Water District (“TVWD”) at its regular meeting on September 18, 2019; and

WHEREAS, TVWD has authority under ORS 264.240 and ORS Chapter 35 to acquire real property by purchase or through eminent domain; and

WHEREAS, on June 16, 2015, TVWD entered into an intergovernmental agreement under ORS chapter 190 with the City of Hillsboro (“Design and Construction Agreement”) to permit, design, finance and construct the Willamette Water Supply System, as set forth in the Design and Construction Agreement; and

WHEREAS, the Design and Construction Agreement vested TVWD with authority to acquire real property interests for the Willamette Water Supply System; and

WHEREAS, on July 18, 2018, the TVWD Board of Commissioners (“Board”) approved Resolution 20-18 declaring public necessity to acquire certain permanent easements and temporary construction easements for pipeline section PLM_5.2 of the Willamette Water Supply System by the power of eminent domain; and

WHEREAS, among other items, Resolution 20-18 declared that it is necessary for the economic well-being, public health, safety and welfare of TVWD, and members of the public served by TVWD, to acquire fee title to necessary properties as well as necessary rights-of-way and easements to implement the Willamette Water Supply System; and

WHEREAS, Resolution 20-18 also declared that certain permanent and temporary construction easements on private property, including Tax Lot 2S20100800 (the “Property”), are necessary for the location of pipeline section PLM_5.2, and that such use was planned and located in a manner that was most compatible with the greatest public benefit and the least private injury; and

WHEREAS, on July 17, 2019, the Board approved Resolution 20-19, reaffirming public necessity to acquire permanent easements and temporary construction easements for pipeline section PLM_5.2 of the Willamette Water Supply System by the power of eminent domain and authorizing condemnation proceedings; and

WHEREAS, subsequent to the approval of Resolution 20-19, the scope of the interests needed on the Property was modified to accommodate the design and operation of pipeline section PLM_5.2;

WHEREAS, the Willamette Water Supply System Intergovernmental Agreement (“Commission Agreement”) between TVWD, the City of Hillsboro and the City of Beaverton created the Willamette Water Supply System Commission (“Commission”), an ORS chapter 190 intergovernmental entity,
effective July 1, 2019, to design, locate, construct, own, operate and maintain the Willamette Water Supply System, as set forth in the Commission Agreement; and

WHEREAS, pursuant to Commission Resolution No. WWSS-02-19, the Commission designated TVWD as its Managing Agency and vested TVWD with authority to continue to acquire real property interests on behalf of the Commission for the Willamette Water Supply System; and

WHEREAS, the TVWD Board reaffirms that it is necessary for the economic well-being, public health, safety and welfare of TVWD, and members of the public served by TVWD and the Commission through the Willamette Water Supply System, to acquire fee title to certain real property, as well as necessary rights-of-way, easements and other property interests, in order to design, construct, locate, operate and implement the Willamette Water Supply System; and

WHEREAS, the TVWD Board has determined that permanent and temporary construction easements on the Property are necessary for the construction, location and operation of the Willamette Water Supply System, and in particular, the water pipeline and related water system facilities for pipeline section PLM_5.2, and that such use is planned and located in a manner that is most compatible with the greatest public benefit and the least private injury; and

WHEREAS, such permanent and temporary construction easements on the Property are described on Exhibit A and depicted for illustration purposes only on Exhibit B attached hereto incorporated by reference (“Property Interests”), with final easement documents as determined by the Willamette Water Supply Program and its consultants, on behalf of TVWD, to be reasonably necessary to accommodate the design and operation of the Willamette Water Supply System; and

WHEREAS, the TVWD Board finds that declaration by resolution to acquire the Property Interests is necessary, and being fully advised.

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

Section 1: The above recitals shall form an integral part of this resolution and shall have the same force and effect as if fully stated herein.

Section 2: It is necessary for the preservation of economic well-being, public health, safety and welfare of TVWD, and members of the public served by TVWD and the Commission through the Willamette Water Supply System, that TVWD acquire the Property Interests through exercise of the power of eminent domain.

Section 3: TVWD staff (which, as used herein, includes the Willamette Water Supply Program) and counsel are authorized to retain appraisers, negotiators and consultants for eminent domain proceedings.

Section 4: TVWD staff and counsel are authorized to negotiate agreements to acquire the Property Interests as they deem necessary and pay just compensation and, if applicable, compensable damages, in accordance with applicable law.
Section 5: TVWD staff and counsel are authorized to file a complaint in condemnation and take other steps as they determine necessary, and to prosecute to final determination such action to acquire title to the Property Interests. Upon the trial of any suit or action instituted to acquire the Property Interests, TVWD staff and counsel are authorized to make such stipulation, agreement or admission as in their judgment may be in the best interest of TVWD and to take possession of the Property Interests at such time as appropriate in their judgment without necessity of further TVWD Board approval.

Approved and adopted at a regular meeting held on the 18th day of September 2019.

_______________________________   _____________________________
               Bernice Bagnall, President         Todd Sanders, Secretary
EXHIBIT A

Willamette Water Supply
August 24, 2018

Chris K. Zielinski and
Jadwiga Zielinski
Tax Map No. 2S201 00800

PARCEL 1 – PERMANENT UTILITY EASEMENT

A parcel of land lying in the Section 1, Township 2 South, Range 2 West of the Willamette Meridian, Washington County, Oregon and being a portion of that property conveyed Chris K. Zielinski and Jadwiga Zielinski, recorded January 31, 2011 as Document No. 2011-009068, in the Washington County Book of Records, said parcel being that portion of said property included in a strip of land 50.00 feet in width, lying 25.00 feet on each side of the following described Pipeline Centerline:

Beginning at Engineer’s Centerline Station 807+72.00, said point being N 88°16'49" E, 3197.30 feet from the West 1/4 corner of Section 6, Township 2 South, Range 1 West of the Willamette Meridian;

Thence along said pipeline the following courses:
S 89°29'59" W, 189.70 feet to Station 809+61.70;
thence S 83°03'43" W, 100.59 feet to Station 810+62.29;
thence S 85°38'46" W, 147.71 feet to Station 812+10.00;
thence S 71°15'21" W, 55.55 feet to Station 812+65.55;
thence S 89°18'27" W, 1151.34 feet to Station 824+16.88;
thence N 45°57'23" W, 129.72 feet to Station 825+46.60;
thence S 88°46'47" W, 441.22 feet to Station 829+87.82;
thence S 89°29'07" W, 906.98 feet to Station 838+94.79;
thence S 85°10'41" W, 149.31 feet to Station 840+44.10, said point being N 19°22'34" W, 105.21 feet from said West 1/4 corner of Section 6;
thence continuing along said pipeline S 79°51'57" W, 34.86 feet to Station 840+78.97;
thence S 76°09'13" W, 93.90 feet to Station 841+72.87;
thence S 71°04'33" W, 82.23 feet to Station 842+55.09;
thence S 68°42'19" W, 756.34 feet to Station 850+11.44;
thence S 69°44'05" W, 88.45 feet to Station 850+99.89;
thence N 68°25'58" W, 61.32 feet to Station 851+61.20;
thence N 32°20'49" W, 105.87 feet to Station 852+67.07;
thence N 30°20'05" W, 916.82 feet to Station 861+83.90;
thence N 29°58'27" W, 227.75 feet to Station 864+11.64;
thence N 74°58'27" W, 35.00 feet to Station 864+46.65;
thence N 29°58'27" W, 162.22 feet to Station 866+08.86;
thence N 33°01'07" W, 96.75 feet to Station 867+05.61;
thence N 8°01'36" E, 35.07 feet to Station 867+40.68;
thence N 38°22'58" W, 25.07 feet to Station 867+65.75;
thence N 39°09'05" W, 561.37 feet to Station 873+27.12;
thence N 40°04'53" W, 358.16 feet to a point of curvature at Station 876+85.28;
thence along the arc of a 5034.50 foot radius curve to the left with a central angle of 4°12'40" a curve distance of 370.02 feet (the chord of which bears N 42°11'13" W, 369.94 feet) to a point of tangency at Station 880+55.30 PT;
EXHIBIT A

Willamette Water Supply
August 24, 2018

Chris K. Zielinski and
Jadwiga Zielinski
Tax Map No. 2S201 00800

thence N 44°17'33" W, 144.60 feet to Station 881+99.90;
thence N 46°04'20" W, 126.52 feet to Station 883+26.42;
thence N 49°38'24" W, 126.52 feet to Station 884+52.94;
thence N 51°25'11" W, 99.53 feet to Station 885+52.47;
thence N 57°45'20" W, 84.86 feet to Station 886+37.33;
thence N 70°25'37" W, 84.86 feet to Station 887+22.19; said point being N 51°41'57 W, 50.68 feet from the Northeast corner of the Solomon F. Shattuck D.L.C. number 51;
thence continuing along said pipeline N 83°05'54" W, 84.86 feet to Station 888+07.05;
thence N 89°26'02" W, 1401.57 feet to Station 902+08.62;
thence N 44°26'02" W, 27.23 feet to Station 902+35.85;
thence N 0°55'28" E, 224.95 feet to Station 904+60.80;
thence N 25°53'14" W, 150.00 feet to Station 906+10.80;
thence N 0°55'28" E, 94.19 feet to Station 907+04.99 and the Terminus of said pipeline
description, said terminus also being N 2°51'50 W, 508.09 feet from the Southeast corner of the
John Landess D.L.C. number 37.

EXCEPT THEREFROM that portion lying within the right-of-way of SW Tile Flat Rd (CR 3279).

The parcel of land to which this description applies contains 19,499 square feet (0.48 acre), more
or less.

Basis of Bearings is the Oregon Coordinate Reference System (OCRS), Portland Zone.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

That portion of said Zielinski property included in a strip of land 50.00 feet in width, lying on the
northeasterly side of the Pipeline Centerline described in Parcel 1 from Station 883+28.46 to
Station 886+00.00:

EXCEPT THEREFROM that portion lying within the above described Parcel 1.

The parcel of land to which this description applies contains 6,157 square feet (0.14 acre), more
or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAN. 14, 2003
JOSEPH W. HURLIMAN
58960LS

RENEWAL: 7/01/19
SIGNED: 6/24/2018
EXHIBIT B

WILLAMETTE WATER SUPPLY PROGRAM
PIPELINE MAIN STEM, SECTION 5.2

FILE No: W2S W02 Sec01
TAX LOT: 800
TAX MAP: T2S R2W Sec01
SUBMITTAL DATE: 
ADDRESS: 

ACQUISITION MAP
PAGE 1 OF 1

SURVEY & MAPPING
2020 SW 4TH AVE. SUITE 300 PORTLAND, OR 97201
PH: (503) 235-5000

PARCEL 1 PERMANENT UTILITY EASEMENT ACQUISITION
AREA = 19,499 S.F. (0.48 ac)

PARCEL 2 TEMPORARY CONSTRUCTION EASEMENT ACQUISITION
AREA = 6,157 S.F. (0.14 ac)

887+00
886+37.33
886+00
885+52.47
884+52.04
884+00
883+28.46
883+28.42
882+00
881+90.90
880+55.30
880+00

66" WATER PIPELINE

TLID 2S2010000800
ZIELINSKI, CHRIS K.
& JADWIGA
DOC No. 2011-009068

TLID 1S2360000900