Willamette Intake Facilities Commission Board Meeting Agenda Monday, January 27, 2020 | 6:00 – 8:00 PM

Tualatin Valley Water District – Board Room 1850 SW 170th Avenue, Beaverton, OR 97003

To prepare to address the Willamette Intake Facilities Board, please fill out the Public Comment Form located on the table near the main door to the meeting room. **Assistive Listening Devices (ALD) are available upon request 48 hours prior to the day of the meeting by calling (503) 840-3825.**

All testimony is electronically recorded.

The Board and other attendees dine at 5:30 p.m.

CALL TO ORDER

1. GENERAL MANAGER'S REPORT – Dave Kraska

(Brief presentation on current activities relative to the WIF Commission)

2. PUBLIC COMMENT

This time is set aside for persons wishing to address the Board on items on the Consent Agenda, as well as 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.

- **3. CONSENT AGENDA** (The entire Consent Agenda is normally considered in a single motion. Any Commissioner may request that an item be removed for separate consideration.)
 - A. Approve the October 28, 2019 meeting minutes

4. BUSINESS AGENDA

- A. Election of Officers
- B. Recommendation to Revise IGA Exhibit 8 (Budget Calendar)

5. INFORMATION ITEMS

- A. Semi-annual Update on the WIF-related Elements of the WWSP Raw Water Facilities Project Dave Kraska
- B. Fiscal Year (FY) 2020-21 Annual Work Plan and Budget Preparation Dave Kraska
- C. Legislative Update Joel Cary
- D. The next Board meeting is scheduled on April 27, 2020, at Tigard Public Works Building Public Works Auditorium

6. COMMUNICATIONS AND NON-AGENDA ITEMS

A. None scheduled.

ADJOURNMENT

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Willamette Intake Facilities Commission Board Meeting Minutes October 28, 2019

REGULAR SESSION – 6:00 PM

CALL TO ORDER AND ROLL CALL

Vice Chairman Garland called the meeting to order at 6:00PM, followed by attendee introductions.

Commissioners present:

Tualatin Valley Water District (TVWD): Jim Doane Beaverton: Marc San Soucie Denny Doyle (Alternate) Hillsboro: Dave Judah (Alternate) Sherwood: Sean Garland (Vice Chair) Tigard: John Goodhouse Wilsonville: Tim Knapp **Committee Members present:** TVWD: Tom Hickmann, Management Committee Carrie Pak, Operations Committee Beaverton: David Donaldson, Management Committee Hillsboro: Niki Iverson, Management Committee Sherwood: Craig Sheldon, Management Committee Tigard: Brian Rager, Management Committee Wilsonville: Not Available

Managing Agency Staff present:

Dave Kraska
Clark Balfour
Justin Carlton
Joelle Bennett
Annette Rehms

Other Attendees:

TVWD Water Resources Division Manager WWSP Manager Joel Cary Bill Van Derveer

1. GENERAL MANAGER'S REPORT

Mr. Kraska presented the General Manager's report, which included a safety moment on Situational Awareness, a Raw Water Facilities project update, progress on the Operations and Curtailment Plans, and delivery of the quarterly financial report for the period ending September 30, 2019.

2. PUBLIC COMMENT

There were no public comments.

3. CONSENT AGENDA

A. Approve the July 29, 2019 meeting minutes.

Motion was made by Judah, seconded by San Soucie, to approve the Consent Agenda as presented. The motion passed unanimously with Knapp, Doane, San Soucie, Garland, Judah, and Goodhouse voting in favor.

4. **BUSINESS AGENDA**

None

5. INFORMATION ITEMS

A. RWF_1.0 Intergovernmental Agreement – Dave Kraska

Mr. Kraska provided and overview to the Board regarding the Raw Water Facilities Intergovernmental Agreement between the Willamette Water Supply System, Tualatin Valley Water District, and City of Wilsonville which included key concepts, background, and budget impacts.

In answer to Commissioner's question, staff replied that the 8-inch waterline to be constructed by WWSP will be connected to a city water line and is a requirement of development.

B. Legislative Update – Joel Cary, TVWD

Mr. Cary briefed Commissioners on the Harmful Algal Blooms (HABs) Legislative Workgroup. This new group was convened in September to begin discussing goals and potential actions to address HABs at a state-wide level. Mr. Cary also presented the workgroup's progress as well as key milestones (see attached presentation).

In answer to Commissioner's question, staff replied that Salem is increasing their HAB toxin monitoring and the workgroup is checking with the Oregon Department of Environmental Quality (DEQ) and the Oregon Health Authority (OHA) for any immediate needs for testing supplies or equipment to be prepared for 2020.

Mr. Kraska asked the Commissioners if more funds should be allocated to monitoring or prevention efforts on the next WIF annual work plan.

The Board concurred that funds for prevention or monitoring should be discussed by the Operations Committee and Finance Committee and then brought to the Board.

6. COMMUNICATIONS AND NON-AGENDA ITEMS

A. None scheduled.



ADJOURNMENT

There being no further questions or business, Vice Chairman Garland adjourned the meeting 6:33PM.

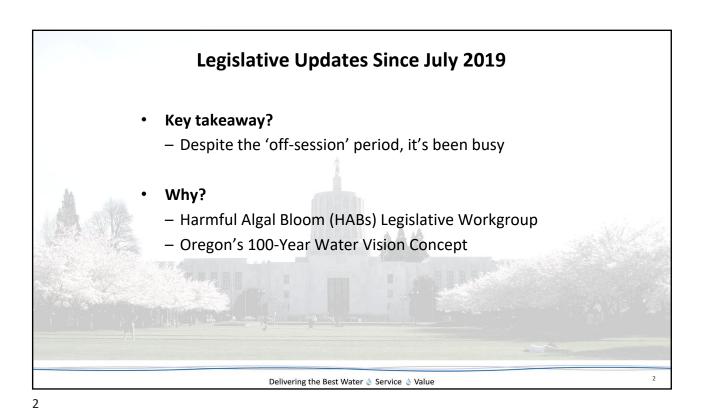
John Godsey, Chair

Sean Garland, Vice Chair

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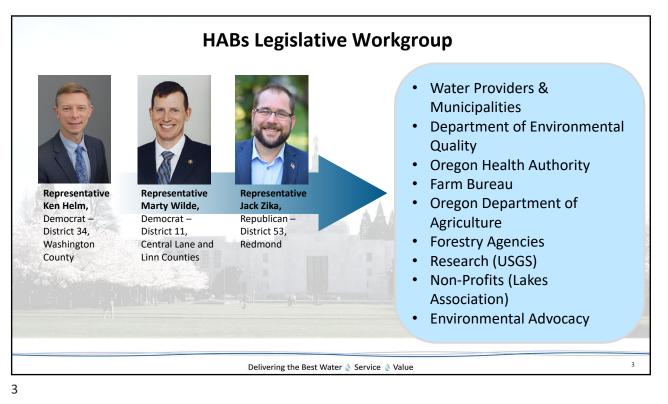
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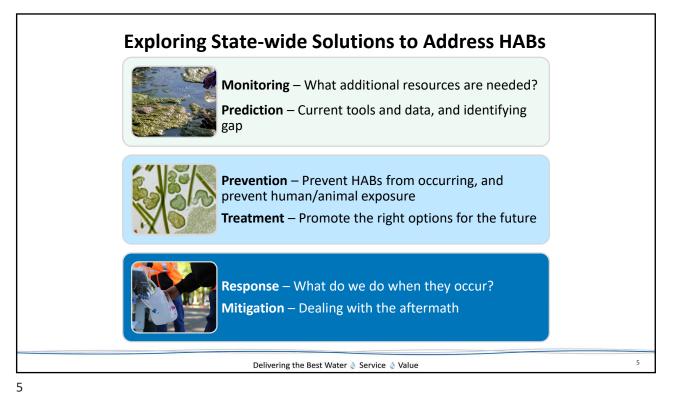
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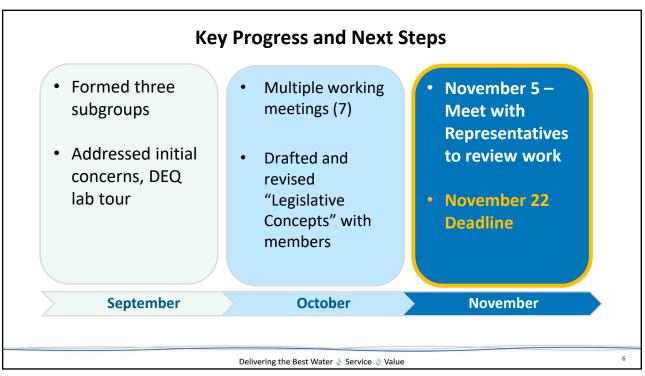




Delivering the Best Water 👌 Service 👌 Value

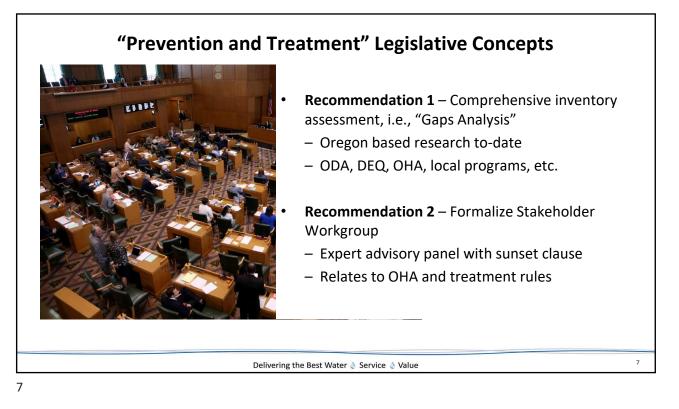
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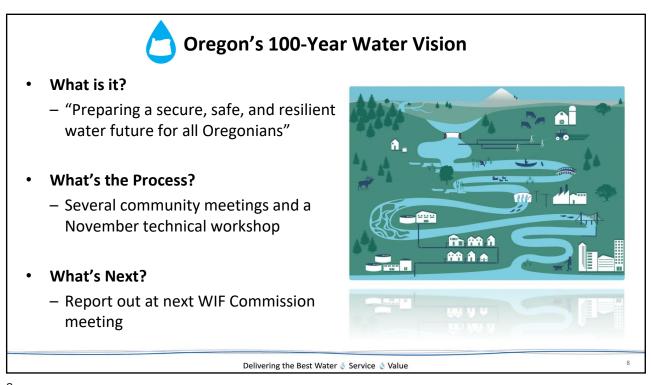




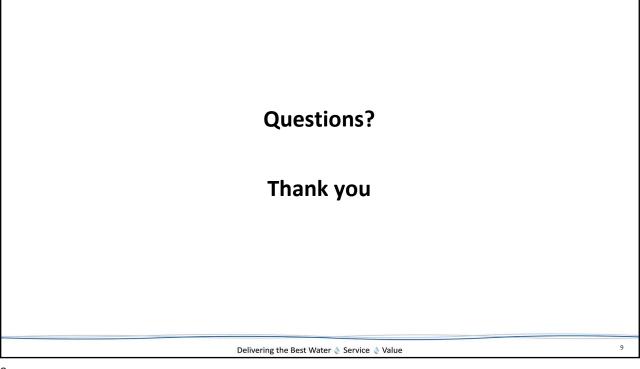
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Oregon's 100-Year Water Vision

Preparing a Secure, Safe, and Resilient Water Future for All Oregonians

Vision

To address changes in climate and population dynamics, Oregon will steward its water resources to ensure clean and abundant water for our people, our economy and our environment, now and for future generations. Strategic investments will result in resilient natural and built water systems across the state to support safe and healthy communities, vibrant local economies and a healthy environment.

Premise

Many areas of Oregon are known for clean and reliable water. This is due to both favorable climate and the infrastructure we built in the 19th and 20th centuries to effectively move water from its source to where it is used.

As has been identified in Oregon's Integrated Water Resources Strategy, three forces combine to place significant stress on Oregon's water:

- 1) Climate change and associated increases in fire, drought and flooding,
- 2) A half century of underinvestment in built and natural water infrastructure, and
- 3) Our changing population and associated development growing in some areas, shrinking in others.

These factors impact the quality and quantity of water for our communities, including water in our rivers, lakes, reservoirs and aquifers. Simply put, if we are not willing to roll up our sleeves and work together to invest in our natural and built water systems, we place the safety of our communities, the health of our people and environment, and Oregon's economic future at risk.

Goals

Health

Secure, safe, accessible, and healthy water for current and future Oregonians.

Economy

Adequate and clean ground and surface water to support economic vitality for all Oregonians.

Environment

Adequate cool, clean water for native fish and wildlife to thrive, and healthy watersheds that can store and filter water naturally.

Safety

Resilient water supply and flood protection systems that can face natural hazards like earthquakes, floods and drought.

Problem Statement

Oregon's water infrastructure has served us well, but is showing its age. We have underinvested in natural and built infrastructure to meet current challenges and have not adapted systems to meet the needs of a vibrant Oregon for the next 100 years.

- Without modern water supply systems and water conservation approaches that combine to provide reliable access to water, including in emergencies, Oregonians risk not having water available when it's needed for healthy people and communities, food production, tribal treaty rights, and a thriving economy.
- Without resilient built and natural infrastructure that provides cool and clean water across all Oregon watersheds, our people – and our fish and wildlife – are increasingly vulnerable to the health risks associated with lack of access to adequate, clean water.
- Without upgraded levees, dams, stormwater systems, tide gates and the natural protection of wetlands and estuaries, our communities will be less safe and at increased risk of damage and economic hardship from localized and catastrophic flooding.
- Without access to relevant water data for effective decision-making, cross-agency coordination, and intentional approaches to test new ideas, built and natural water systems will perennially fall short of providing for Oregon's in-stream and out-of-stream water needs, including tribal treaty obligations.
- Without strong capacity across all Oregon communities to plan for their water future, and effective ways to ensure strategic water investment decisions are coordinated across and between local, regional, state, tribal and federal agencies, communities will not be prepared to take advantage of large-scale water infrastructure funding opportunities or collaborative and innovative partnerships.
- Without coordinated built and natural water infrastructure investments, Oregonians including Oregon's federally recognized tribes and those in disproportionately impacted and rural communities – may be unable to access adequate clean water and return it to our rivers for downstream users, fish, and wildlife.

Our Shared Water Future

Oregon's water future is already being shaped by climate and population changes. How we choose to steward our water resources now will determine if we pass a legacy of clean and abundant water to future generations of Oregonians so they can enjoy a vibrant economy and live in a quality environment. The investments we make now in natural and built water infrastructure will support a prosperous Oregon in the 21st century and beyond.

3A

To:Board of CommissionersFrom:David Kraska, PE, General ManagerDate:January 27, 2020Subject:Election of Officers for 2020

Requested Board Action:

The WIF Commission should elect a Chair and Vice-Chair for the 2020 calendar year.

Key Concepts:

- Current WIF officers include: John Godsey, Chair and Sean Garland, Vice Chair.
- The Commission needs to nominate and elect officers for the 2020 calendar year.

Background:

The Willamette Intake Facilities Intergovernmental Agreement, effective April 18, 2018, includes:

"4.6 Officers. The Board shall annually elect from its Members a chair and a vice chair, who shall be officers of the Board. The elections shall occur at the first meeting of the Board in each calendar year, unless otherwise agreed. The chair shall serve as the presiding officer. In the absence of the chair, the vice chair shall serve as presiding officer. Officers shall serve at the pleasure of the Board or until a successor is appointed."

At the April 30, 2018, inaugural WIF Commission meeting, John Godsey was elected Chair and Sean Garland was elected Vice Chair. With consideration that only six months had passed, it was decided at the WIF Board meeting on January 28, 2019 that no changes to the chair and vice chair positions.

Budget Impact:

None.

Staff Contact Information:

David Kraska, P.E.; General Manager; 503-941-4561; david.kraska@tvwd.org

Attachments:

None

Management Staff Initials:

General Manager	A	TVWD General Counsel	CH
TVWD Chief Engineer	N/A	TVWD Chief Financial Officer	N/A

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WIF COMMISSION STAFF REPORT

То:	Board of Commissioners
From:	David Kraska, P.E., General Manager
Date:	January 27, 2020
Subject:	Recommendation to Revise the Water Intake Facilities Intergovernmental Agreement Exhibit 8 (Budget Calendar)

Requested Board Action:

Consider staff recommendation to revise Exhibit 8 (Budget Calendar) in the Water Intake Facilities Intergovernmental Agreement.

Key Concepts:

The Water Intake Facilities Intergovernmental Agreement includes a Budget Calendar that specifies delivery date of key budget items. Staff are recommending updating the calendar for the following reasons:

- Better synchronization with WWSP (and thereby RWF_1.0) annual cost forecasts
- Allow for minor flexibility in delivery date

Background:

The Water Intake Facilities (WIF) Intergovernmental Agreement (IGA) as originally approved included the following Exhibit 8 (Budget Calendar):

Table 1. Existing Budget Calendar in Exhibit 8

Budget Deliverable	Annual Submission Date	Party Receiving Budget
Preliminary capital improvement project list	December 15	Operations Committee
Preliminary budget	January 5	Operations and Finance Committees
Draft budget	February 15	Management Committee
Proposed budget	March 31	Board

The existing Budget Calendar was developed for the early years of WIF Commission operations and established an extended timeline for information review, discussion, and approval. The conservative schedule served the Committees well for the first two Budget and Annual Work Plan (AWP) submittals. The Managing Agency (MA) proposes revising the delivery dates for the following reasons:

- 1. The WWSP annual draft baseline budget (which includes the RWF_1.0 project's annual cost forecast) is not complete by the December 15 deadline; delaying the submittal for one month allows for better information to be provided to the Operations Committee while still meeting members' individual agency budgeting deadlines.
- 2. Over the past two years, the AWP and MA budget for operating the commission for the fiscal year have been vetted and approved by the Operations, Finance, and Management Committees



with limited iterations. Because fewer meetings are required to move the AWP and budget from draft to proposed status, the timeline can be truncated.

3. The dates prescribed in the existing Budget Calendar do not allow for modifications to accommodate weekends or holidays.

The proposed dates were discussed with the Management Committee and Finance Committee at their December 18, 2019 meeting. Their recommendations are incorporated into this proposal.

The Board's delivery date has not changed between the original and proposed Budget Calendars. The Board will still have approximately one month to review the proposed budget prior to the April Board meeting.

Staff recommend amending the WIF IGA to replace Exhibit 8 (Budget Calendar) with the following:

Table 2. Proposed Budget Calendar for Exhibit 8

Budget Deliverable	Annual Submission Date (on or around)	Party Receiving Budget
Preliminary capital improvement project list	January 15	Operations Committee
Preliminary budget	January 15	Operations and Finance Committees
Draft budget	March 15	Management Committee
Proposed budget	March 31	Board

Budget Impact:

No impact to approved WIF Commission Budget.

Staff Contact Information:

David Kraska, P.E.; General Manager; 503-941-4561; david.kraska@tvwd.org

Attachments:

Proposed resolution

Management Staff Initials:

General Manager	X	TVWD General Counsel	CH
TVWD Chief Engineer	N/A	TVWD Chief Financial Officer	Pon



RESOLUTION NO. WIF-01-20

A RESOLUTION AMENDING EXHIBIT 8 TO THE WILLAMETTE INTAKE FACILITIES INTERGOVERNMENTAL AGREEMENT

WHEREAS, the Willamette Intake Facilities Intergovernmental Agreement (WIF Agreement) was approved by the Parties thereto effective April 18, 2018, and governed by the Board of Commissioners (Board); and,

WHEREAS, Section 7.1 requires the Managing Agency to annually prepare a Budget and follow the budget review process set forth in Exhibit 8 attached to the WIF Agreement, unless a modified schedule is approved by the Board: and,

WHEREAS, Staff recommends that minor modifications to Exhibit 8 be made to allow more time for development and assembly of financial information to enable the Operations, Finance and Management Committees to review the budget, but without impact to the schedule for approval of the Budget by the Board and to be compatible with the budget processes of the Parties; and,

WHEREAS, Section 4.7.9 of the WIF Agreement authorizes the Board to approve modifications to the Exhibits by resolution and the attached Exhibit 8 sets forth the amended Budget Calendar, and being advised

NOW, THEREFORE, BE IT RESOLVED BY THE WILLAMETTE INTAKE FACILITIES BOARD OF COMMISSIONERS:

<u>Section 1:</u> Exhibit 8, Willamette Intake Facilities Budget Calendar, attached hereto as Exhibit A and incorporated by reference, is hereby adopted.

<u>Section 2:</u> The Managing Agency is directed to remove the current Exhibit 8 from the WIF Agreement and replace it with the attached Exhibit 8. The Managing Agency shall provide a copy of this executed resolution and Exhibit 8 to the Parties.

Approved and Adopted at a regular meeting held on the 27th day of January 2020.

John Godey, Chair

Sean Garland, Vice Chair

Exhibit A

Exhibit 8 (Revised) Willamette Intake Facilities Budget Calendar

Description: Annual Proposed Budget Submission and Calendar

The Board shall adopt a budget for its operations and capital improvements for each Fiscal Year. The Managing Agency shall annually prepare a budget for administration, operations, and capital improvements in coordination with the appropriate committees representing the Parties as described in Section 7 of this Agreement. The budget review process shall follow the following schedule listed below.

Budget Deliverable	Annual Submission Date (on or around)	Party Receiving Budget
Preliminary capital improvement project list	January 15	Operations Committee
Preliminary budget	January 15	Operations and Finance Committees
Draft budget	March 15	Management Committee
Proposed budget	March 31	Board

The proposed budget for review shall be submitted with the proposed annual work plan, associated budget narratives, project descriptions, and budget summary spreadsheets for each level of Committee and Board review.

WIF COMMISSION STAFF REPORT

То:	Board of Commissioners
From:	David Kraska, PE, General Manager
Date:	January 27, 2020
Subject:	Semi-annual update on the Willamette Intake Facilities (WIF)-related elements of the Willamette Water Supply Program's (WWSP) Raw Water Facilities Project

Requested Board Action:

Informational item. No Board action required.

Key Concepts:

- On a semi-annual basis, the WIF Commission will receive an update on the WIF-related elements of the RWF_1.0 project.
- This update will present the status of the construction cost estimate, the bank stabilization design concept, and the overall project schedule.

Background:

The RWF_1.0 project, which is part of the Willamette Water Supply System (WWSS), includes upgrades to the WIF including replacing the screens, expanding the air burst system, and improving the seismic resiliency. This semi-annual update is intended to keep the WIF Commission apprised of the regular progress being made on this project.

Our construction contractor, Kiewit, provided an updated cost estimate on based on the 90 percent complete design. They estimate that construction will cost \$83 million, which is a slight increase from previous estimates for the overall RWF_1.0 project. However, there appears to be no increase in the estimated cost of the WIF-related elements.

There are two phases of construction planned for the RWF_1.0 project. Improvements to the WIF infrastructure are included in the first phase (Phase 1). The contractor is currently in the process of receiving bids for Phase 1 to support preparing a Guaranteed Maximum Price (GMP) for that work. We expect to receive the GMP for Phase 1 from the contractor on March 13, 2020.

Over the past year, the team has finalized the design of the RWF_1.0 project, including the WIF-related elements such as the bank stabilization approach and the debris fence. It was determined by the design team and the contractor that the most appropriate method to stabilize the bank and therefore protect the caisson from movement during a major earthquake is a combination of jet grouting and deep soil mixing. The blend of these two methods is expected to enable us to achieve the desired seismic performance at the lowest anticipated cost while also managing the environmental impact. The design of the debris fence, which is designed to protect the intake screen from material sloughing down the bank slope during an earthquake, was also finalized. It will consist of six steel piles driven into the ground upslope of the intake screens, and four horizontal steel channels spanning the columns to create the fence that will protect the screens.



Page 2 of 2 January 27, 2020 Semi-annual update on the WIF-related elements of the WWSP Raw Water Facilities Project

Budget Impact:

None at this time. The latest construction cost estimates are in line with earlier estimates for WIF-related elements.

Staff Contact Information:

David Kraska, P.E.; General Manager; 503-941-4561; david.kraska@tvwd.org

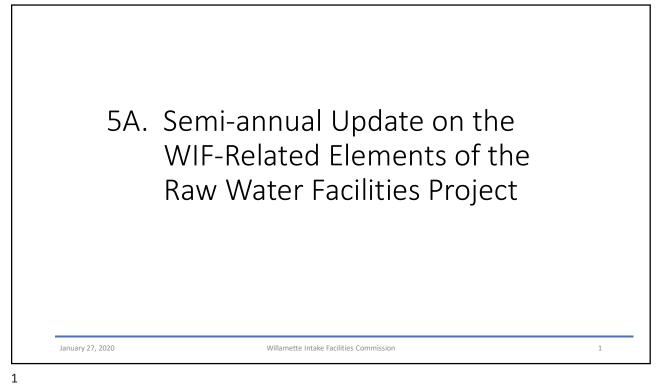
Attachments:

DRAFT Raw Water Facilities Project Update presentation

Management Staff Initials:

General Manager	A	TVWD General Counsel	N/A
TVWD Chief Engineer	N/A	TVWD Chief Financial Officer	N/A

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Overview of the Raw Water Facilities Project (RWF_1.0)
Onstruction Cost Update
Final Bank Stabilization and Debris Fence Designs
Upcoming Schedule of Activities

1/27/2020

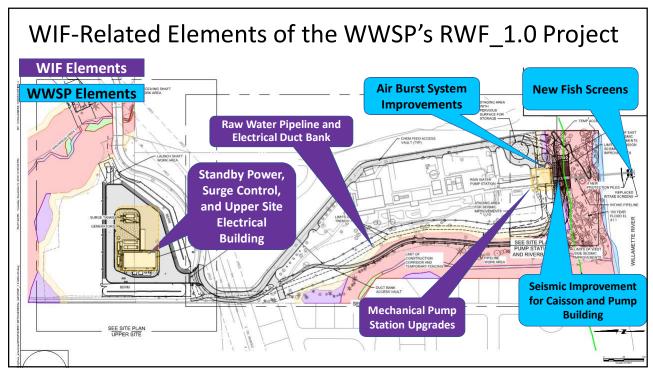
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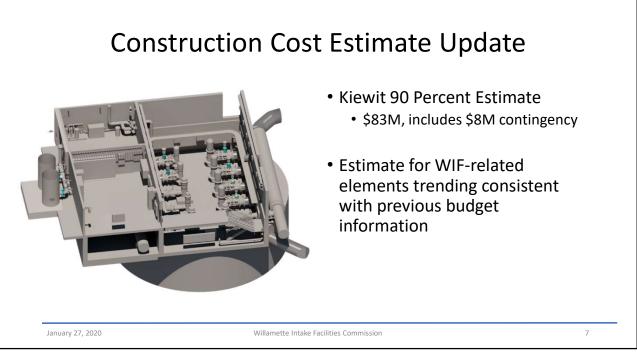
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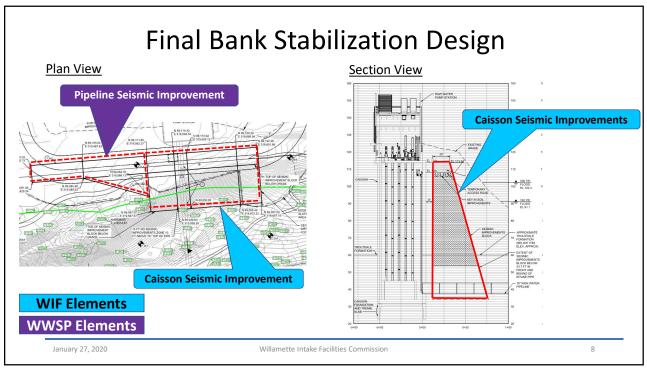




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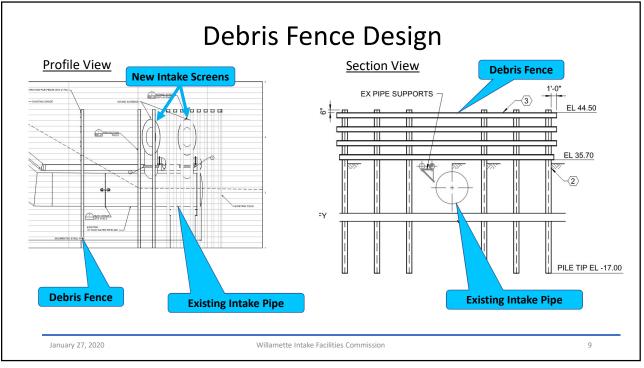
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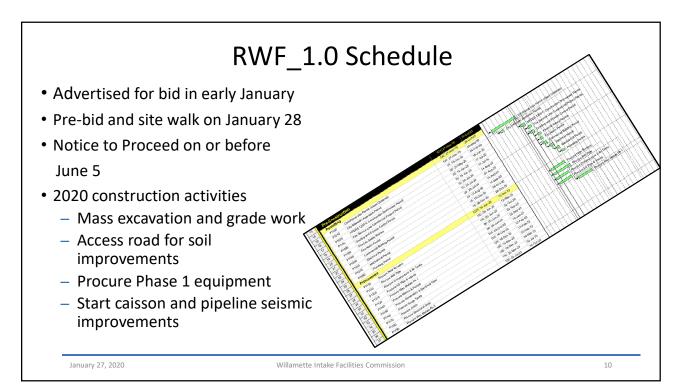




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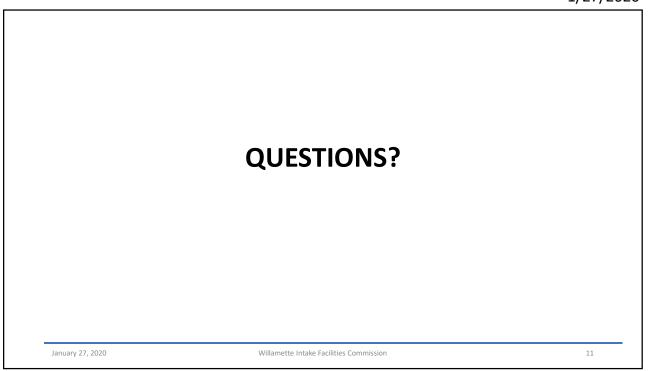
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WIF COMMISSION STAFF REPORT

To:Board of CommissionersFrom:David Kraska, P.E., General ManagerDate:January 27, 2020Subject:Fiscal Year 2020-2021 Annual Work Plan and Budget Preparation

Requested Board Action:

Informational item. No Board action required.

Key Concepts:

- Exhibit 8 of the Willamette Intake Facilities (WIF) Intergovernmental Agreement (IGA) establishes the WIF Budget Calendar.
- TVWD, as the Managing Agency, prepared a draft annual work plan (AWP) and budget for review by the Operations and Finance committees in accordance with the calendar.
- The AWP provides the scope of work to be performed by the Managing Agency for the 2021 fiscal year, in accordance with the WIF IGA.
- The details of the AWP and budget will be reviewed, modified, and finalized by the WIF committees prior to presentation to the WIF Board for adoption in April.

Background:

Article 5.6 of the WIF IGA specifies the powers and duties of the Managing Agency, TVWD. TVWD prepared a draft version of the AWP to address those Managing Agency duties that are relevant to the 2021 fiscal year (FY). TVWD also prepared a draft budget for the AWP. The first draft of the AWP and budget was shared with the Operations and Finance committees on January 2, 2020.

The draft FY 21 AWP includes all the same tasks as the current AWP, with the following proposed additional items, which are under consideration by the WIF Committees:

- 1. General Administration
 - a. Preparation of the draft Emergency Operations plan.
 - b. Development of mission and vision for watershed/source water protection.
- 2. Finance Administration
 - a. Finalization of financial procedures.

The WIF Operations and Finance committees met on January 16, 2020 to discuss the first draft of the AWP and budget. The Managing Agency will prepare an updated version in time to be delivered to the Management Committee by February 15, 2020. Depending on the requested changes, additional meetings will be held to facilitate providing a final recommended version of the FY 21 AWP and budget to the WIF Board by March 31, 2020.



Page 2 of 2 January 27, 2020 Fiscal Year 2021 Annual Work Plan and Budget Preparation

Budget Impact:

The budget for the FY 21 AWP is still under development. A final budget, along with the final AWP, will be presented for consideration at the April Board meeting.

Staff Contact Information:

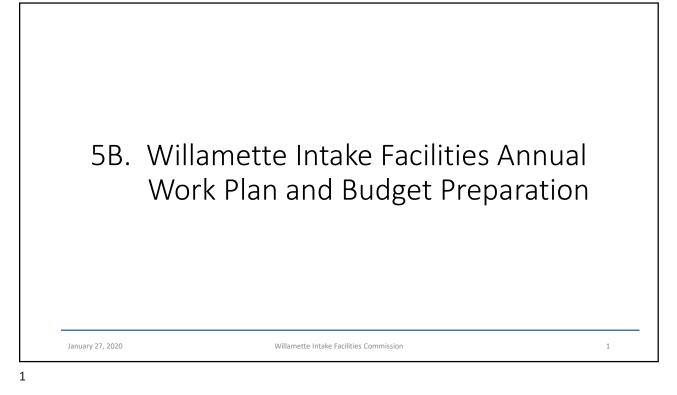
David Kraska, P.E.; General Manager; 503-941-4561; david.kraska@tvwd.org

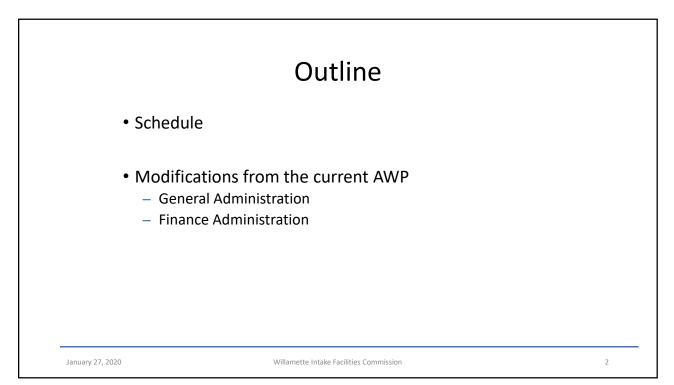
Attachments: Annual Work Plan and Budget Preparation presentation

Management Staff Initials:

General Manager	A	TVWD General Counsel	N/A
TVWD Chief Engineer	N/A	TVWD Chief Financial Officer	N/A

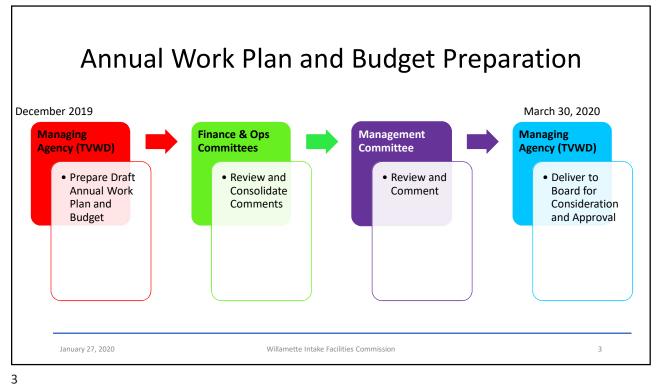
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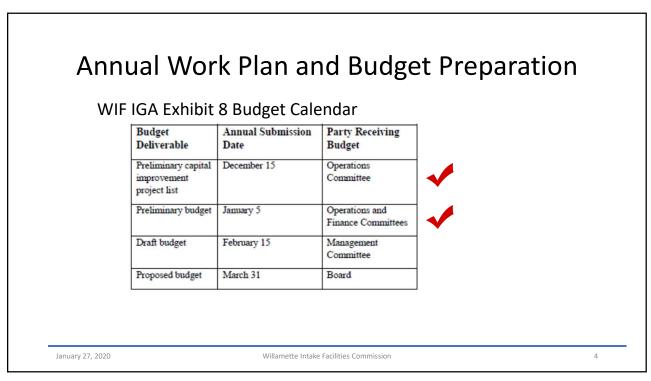




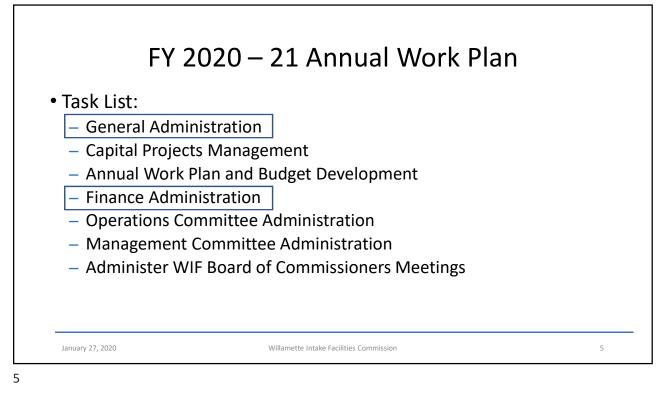
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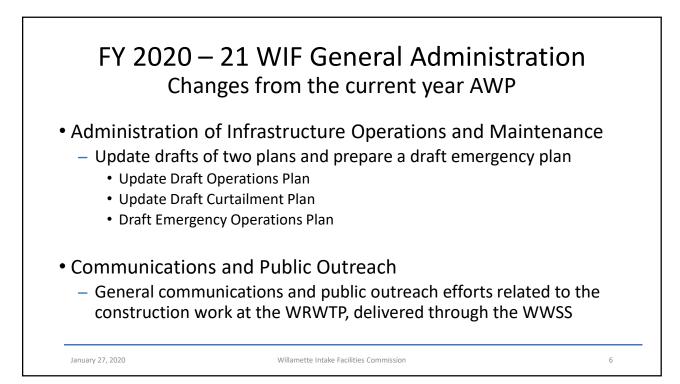
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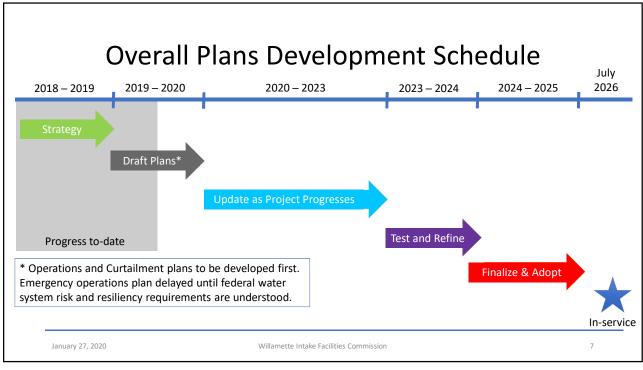


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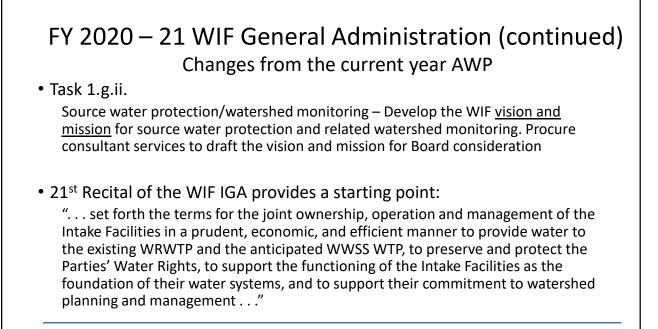




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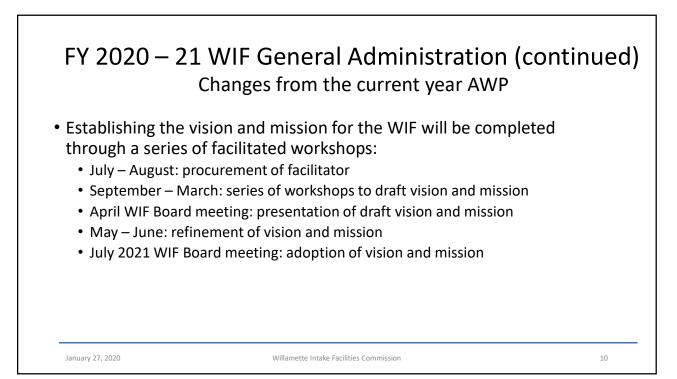


January 27, 2020

Willamette Intake Facilities Commission

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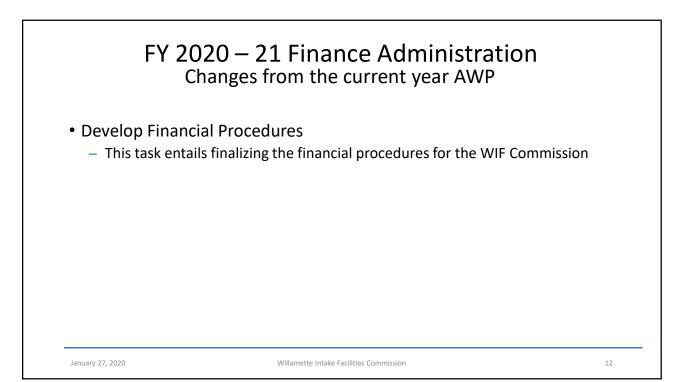
FY 2020 – 2	1 WIF General Administration (continu Changes from the current year AWP	ed)
benefits: • Clarity of purpo • Definition of ne • Water quality • Communicatio	ns ning long-term objectives otection efforts	
January 27, 2020	Willamette Intake Facilities Commission	9



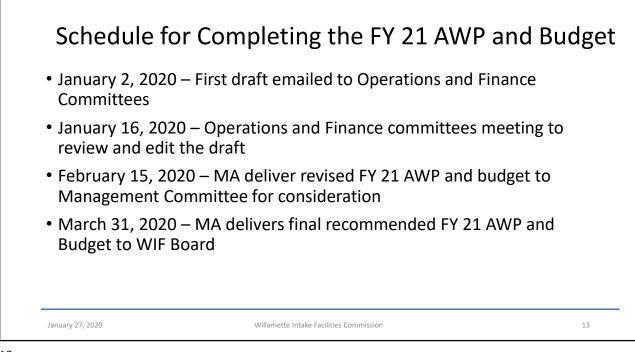
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January 27, 2020 Willamette Intake Facilities Commission 11	 Do you suppo How would th In-depth invodraft review, Approval on July 2021 Bo 	rt the WIF committees working on this item next fiscal ye ne Board like to be engaged in this effort: olvement in each step? olvement (e.g., kickoff meeting to establish main principles, mid-effo , final approval)? ly (e.g., review of proposal at the April 2021 Board meeting, then appard meeting)?	rt check-in,
	January 27, 2020	Willamette Intake Facilities Commission	11





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WIF COMMISSION STAFF REPORT

То:	Board of Commissioners
From:	Joel Cary, TVWD Water Resources Division Manager
Date:	January 27, 2020
Subject:	Quarterly Legislative Updates

Key Concepts:

- The Harmful Algal Blooms (HABs) Legislative Work Group made several recommendations to the Oregon Legislature for the 2020 and 2021 Sessions
- Details of these recommendations and the subsequent Legislative Concept will be highlighted for Board members
- A summary of the Governor's recommended budget requests related to the 100-Year Water Vision concept will also be reviewed, along with the Oregon Water Utility's Council's official response to the Vision

Background:

The HABs Legislative Work Group convened over a dozen working meetings during 2019 to address a variety of complex issues related to current and future threats from cyanoHABs. Multiple stakeholders were engaged in this process, representing drinking water providers, state agencies, agricultural interests, academic institutions, water management agencies, and federal research partners. Out of these efforts came several specific recommendations for the 2020 Oregon Legislative Session followed by long-term recommendations for the 2021 Session.

Near-term recommendations included additional funding for the Department of Environmental Quality to enhance resiliency for seasonal cyanotoxin testing, completing an analysis of existing programs and gaps to develop a state-wide HABs strategy, and creation of a small utilities outreach coordinator to assist communities that rely on vulnerable water bodies. A draft Legislative Concept (i.e., a bill) was introduced by the House Interim Committee on Water at the start of the 2020 Session which included some of these recommendations. A copy of the most recent draft bill along with the full set of recommendations is included for reference.

As reviewed at the last WIF Commission Board meeting, Oregon's 100-Year Water Vision concept was introduced in 2019 and continues to be a priority for the Governor's office during the 2020 Session. Several specific requests have been made to the Legislature related to implementing key aspects of the Vision and more broadly, Oregon's 2017 Integrated Water Resources Strategy. Included with this staff report are those priority funding items. This is intended to highlight key areas related to water supply and management for WIF Commission awareness, such as the request to fund implementation of the Willamette Basin Reallocation Study at the state level. As the 35-day Session begins on February 3, Managing Agency staff will continue to track these items and engage as necessary.

Last, in an effort to provide additional guidance to the 100-Year Water Vision process, the Oregon Water Utility Council (OWUC) submitted a series of comments on behalf of OWUC members, the Oregon



Page 2 of 2 January 27, 2019 Quarterly Legislative Updates

Association of Water Utilities, the League of Oregon Cities, and Special Districts Association of Oregon. Included as an attachment is the joint letter expressing the desire to meet and discuss the comments with Vision representatives, offering the experience of these agencies as a resource given the shared interests of stakeholders engaged in these efforts.

Budget Impact:

Informational item only; no impact to 2019-2020 WIF Budget.

Staff Contact Information:

Joel Cary; TVWD Water Resources Division Manager; 503-848-3019; joel.cary@tvwd.org

Attachments: HABs Work Group Recommendations; Draft Legislative Concept 178; The Governor's 2020 Session Budget Requests; and OWUC Comments on the 100-Year Water Vision

Management Staff Initials:

General Manager	A	TVWD General Counsel	N/A
TVWD Chief Engineer	N/A	TVWD Chief Financial Officer	N/A



80th OREGON LEGISLATIVE ASSEMBLY HARMFUL ALGAL BLOOMS (HABS) WORK GROUP

HARMFUL ALGAL BLOOMS (HABS) WORK GROUP RECOMMENDATIONS

The Harmful Algal Blooms (HABs) Work Group was formed just prior to the end of the 2019 Session to take an in-depth look at the issue and to develop recommendations for potential legislation related to cyanoHABs for consideration in the 2020 and/or 2021 Session. The Work Group created three sub-groups (Treatment Technology, Monitoring and Prediction, and Response and Mitigation), which met independently and reported back to the full work group on September 19th and made final recommendations on November 5th. A total of 14 full work group and subcommittee meetings were held between June and November of 2019.

SUMMARY

The HABs Work Group recommends the following for session legislation in 2020:

- 1. Comprehensive list of existing programs
- 2. Creation of expert advisory council
- 3. Funding for additional equipment, seasonal staff, and supplies
- 4. Funds for outreach coordinator to small utilities

The HABs Work Group also identified nine longer-term recommendations for the 2021 session.

RECOMMENDATION #1: COMPREHENSIVE LIST OF EXISTING PROGRAMS

This effort would include evaluation and development of a comprehensive list of all existing federal, state, local, and stakeholder programs that play a role in preventing, monitoring, and addressing exposure to cyanoHABs in Oregon, with the following objectives:

- Identifying gaps;
- Identifying areas of potential collaboration;
- Identifying key deficiencies;
- Identifying relevant agencies, current/past programs, and funding/research needs;
- Conducting a literature review of Oregon-based academic research;
- Outlining a set of effective strategies related to cyanoHABs for consideration during the 2021 Session; and,
- Identifying best practices among agencies and utilities.

There were two options considered to facilitate this effort:

Option 1 A funding request during the 2020 Session to contract with a consulting service. Benefits of this approach would be an unbiased approach to data and information collection and recommendations.

Option 2 Designate the Legislative Policy and Research Office (LPRO) as "consultant services," in addition to overall project manager. Benefits of this approach would be cost reduction for legislative funding asks during the 2020 Session and a streamlined process for project management and communication with expert policy panel (see Recommendation #2 below).

RECOMMENDATION #2: CREATION OF EXPERT ADVISORY COUNCIL

Based on the existing HABs Work Group, an advisory council would be formalized in legislation and would include key agencies and representation related to cyanoHABs. The council could be set to sunset in December 2022, with an option for legislators to extend into the future.

The council would meet monthly during the first year to facilitate project management with LPRO or consultant staff (see options 1 and 2 above), and report back to the Legislative Assembly on actions for the 2021 Session. The primary focus of the council would be to identify funding gaps and needed improvements for existing agency programs. In the following years, the council would meet at least quarterly, or more often at its discretion, with the objectives of reviewing state and local program effectiveness, community needs related to water treatment, overall outreach and education efforts, and recommendations for changes as needed.

The council should include the following representation by invitation from the sponsoring committee (e.g., House Committee on Water):

- Oregon Health Authority
- Drinking Water
- Wastewater
- Agriculture
- Research/Academia
- Forestry
- Environmental interests
- Others to be determined

The Legislative Assembly would determine the best agency for oversight and housing of the Council, including either the Oregon Health Authority (OHA) or the Department of Environmental Quality (DEQ).

RECOMMENDATION #3: FUNDING FOR ADDITIONAL EQUIPMENT, SEASONAL STAFF, AND SUPPLIES

DEQ's current capacity to analyze samples for cyanotoxins is fully occupied in meeting the requirements of the OHA rules for public water facilities. If those facilities exceed intake or distribution public health benchmarks, DEQ could exceed its capacity to analyze samples. An additional instrument would ensure DEQ could cover that work and, when not being used to

process drinking water samples, could be used to analyze samples for cyanoHABs recreational contact evaluations. The new instrument would also serve as backup for processing drinking water samples in case the existing instrument broke down.

DEQ also requests an additional 1.0 FTE of seasonal staff to assist with instrument operations and sample collection during peak periods. Finally, additional funds will be necessary to cover the cost of supplies and services (S&S) needed to provide for the full cost of the work.

RECOMMENDATION #4: FUNDS FOR OUTREACH COORDINATOR TO SMALL UTILITIES

A coordinator could provide outreach to smaller utilities, as well as to those utilities that depend on a vulnerable water body, ensuring that they have the tools and training to respond to cyanoHABs, including response plans for the 60 water suppliers already identified by DEQ and OHA as vulnerable. This position could also possibly broaden the scope of outreach on waterrelated emergencies beyond algal blooms and could serve in a permanent capacity in that regard.

LONG-TERM RECOMMENDATIONS FOR 2021

- Create a clearinghouse of cyanoHABs-related data and public outreach materials; key
 contacts and agencies; aquatic, animal, and human health impacts; response plans;
 incident mapping; public notification templates; and other information. Materials would
 be available on the Internet to the public. The clearinghouse would also allow the ability
 to provide provisional data for ongoing predictive assessments.
- Address funding needs for key programs identified through the comprehensive analysis
 of programs (Recommendation #1) that address cyanoHABs. Prioritize programs that
 promote grassroots public outreach and communications (such as soil and water
 conservation districts) and that prevent conditions that lead to the formation of
 cyanoHABs.
- Create and/or update a comprehensive set of communication and educational tools, literature, graphics, and other materials for professional and public use to promote the prevention of exposure to cyanoHABs.
- Develop enhanced communication strategies: coordinate cyanoHABs monitoring responses, establish clear lines of communication with monitoring partners, and identify roles and responsibilities of state and local partners.
- Provide more general education on cyanoHABs for the public, including the factors that contribute to the development of cyanoHABs and the health risks to the public.
- Develop a system based on public health vulnerabilities to standardize the state's approach and response to cyanoHABs in water bodies, to ensure a consistent/transparent approach for responding to cyanoHABs in different water bodies and document the risks considered in making those decisions.



- Develop stronger partnerships to help with cyanoHABs response, monitoring, and communication efforts, including leveraging local partners to assist with sample collection and advisory postings and creating efficiencies for state and local partners on an issue that affects communities.
- Collect more monitoring data to identify unique factors that contribute to the development of cyanoHABs, which can be used to tailor appropriate mitigation plans for individual water bodies.
- Identify additional resources to replace federal funding used currently by OHA.

This document has been prepared by the Legislative Policy and Research Office (LPRO) for the Harmful Algal Blooms (HABs) Work Group. LPRO provides centralized, professional, and nonpartisan research, issue analysis, and committee management services for the Legislative Assembly.



LC 178 2020 Regular Session 12/23/19 (MAM/stn/ps)

DRAFT

SUMMARY

Directs Department of Environmental Quality to purchase cyanotoxin autoanalyzer system and associated supplies and services. Directs department to create, fill and utilize seasonal position to assist with cyanotoxin analysis. Directs department to create, fill and utilize small utility outreach coordinator.

Appropriates moneys to department to purchase equipment and support increased staffing level.

Declares emergency, effective on passage.

1

A BILL FOR AN ACT

2 Relating to harmful algal blooms; and declaring an emergency.

3 Be It Enacted by the People of the State of Oregon:

4 <u>SECTION 1.</u> (1) The Department of Environmental Quality shall 5 purchase one cyanotoxin autoanalyzer system instrument to be used 6 to analyze water samples for cyanotoxins. The department shall ac-7 quire any services and supplies necessary for the operation of the in-8 strument described in this subsection.

9 (2) The department shall create, fill and utilize at least one seasonal 10 position within the department to assist with the analysis of water 11 samples for cyanotoxins and to collect water samples during peak pe-12 riods.

SECTION 2. The department shall create, fill and utilize the position of small utility outreach coordinator to provide outreach to small water suppliers and water suppliers that depend on a vulnerable water body to ensure that water suppliers have the plans, tools and training needed to respond to cyanobacterial harmful algal blooms and other

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1 water-related emergencies.

2 <u>SECTION 3.</u> In addition to and not in lieu of any other appropri-3 ation, there is appropriated to the Department of Environmental 4 Quality, for the biennium ending June 30, 2021, out of the General 5 Fund, the following amounts:

6 (1) \$95,000 for the purpose of carrying out the provisions of section
7 1 (1) of this 2020 Act; and

8 (2) \$115,000 for the purpose of carrying out the provisions of section
9 1 (2) of this 2020 Act.

10 <u>SECTION 4.</u> In addition to and not in lieu of any other appropri-11 ation, there is appropriated to the Department of Environmental 12 Quality, for the biennium ending June 30, 2021, out of the General 13 Fund, the amount of \$100,000, which may be expended for the purpose 14 of carrying out the provisions of section 2 of this 2020 Act.

SECTION 5. This 2020 Act being necessary for the immediate pres ervation of the public peace, health and safety, an emergency is de clared to exist, and this 2020 Act takes effect on its passage.

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Proposed 2020 Budget Requests

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To address changes in climate and population dynamics, Oregon will steward its water resources to ensure clean and abundant water for our people, our economy and our environment, now and for future generations. Strategic investments and policies will result in resilient natural and built water systems across the state to support safe and healthy communities, vibrant local economies and a healthy environment.

2020 Budget Request	Amount	Agency	Description	Tie to 2019 ARB or GRB Request
			Water Vision Coordination	
Water Vision Coordination & Implementation	\$350,000 LF	OWEB	Provides funding for one lead staff position and one technical support position to coordinate 100-Year Water Vision planning Phase II, along with associated contracted services funding	In 2019 session, this was OWEB POP 130. Shifted contracting funds to staff that support the Governor's office, and associated contracting funds to support the water vision
Water Vision Decision Support Tool Development	\$250,000 DEQ GF	DEQ	Supports framework to provide water and water infrastructure data as part of a suite of decision support tools for strategic planning and investment prioritization. Will be matched with \$250,000 from Business Oregon to begin needed local assessments and coordinated through the state's Water Core Team	In 2019 Session, this was DEQ POP 161. Has been re-designed based on work completed by agencies in the last 12 months
Water Vision Business Case	\$200,000 GF	OWRD	Funding to support a statewide business case assessment that would examine the economic value that the use of water provides in Oregon, the impacts of not investing in Oregon's natural and built water infrastructure, and the associated need for continued infrastructure investments.	In 2019 session, this was a part of WRD POP 104, which is split into two proposals for 2020 – Protecting the Public through Dam Safety and Water Infrastructure Business Case
			Water Vision Early Implementation Needs	
Protecting the Public Through Dam Safety	\$2,000,000 GF	OWRD	THIS POP MAY BE INCLUDED IN A SEPARATE RESILIENCY PACKAGE, but is referenced to recognize the cross- connection. Provides staff and contract funds to assess dams for seismic, flood and other safety risks to prioritize dams for repair and funding. Also includes staff/contract funds to support a dam safety task force to identify approaches to prioritize dam repair/safety actions, and to recommend funding approaches for repair/safety actions.	In 2019 session, this was a part of WRD POP 104, which is split into two proposals for 2020 – dam safety and water infrastructure business case (above)
Place-Based Planning	\$200,000 GF	OWRD	Request remaining funds from 2019 GRB ask to meet need to: 1) continue developing place-based integrated water resources plan by the Mid-Coast and Harney County groups; and 2) coordinate Lower John Day and Upper Grande Ronde plan implementation.	In 2019 session, this was WRD POP 101

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ODFW – Place- based Planning and Mitigation Coordination (implementing the IWRS)	\$472,885 GF	ODFW	Funding for staff to 1) engage in local planning efforts, including Place Based Planning, and provide technical information regarding fish and wildlife flow and temperature needs to planning teams; and 2) work with water users and other agencies to develop a comprehensive solution to water mitigation for fish and wildlife that address fish and wildlife priorities while also providing development opportunities.	In 2019 session, this was an ARB request – ODFW POP 123.
Willamette Basin Complex Water Issues	OWRD - \$581,394 ODFW – \$491,895 GF	OWRD and ODFW	Funding for staff to implement actions following completion of the Willamette Reservoir Reallocation Study and Willamette BiOp. WRD and ODFW's multi-year implementation effort will require staff to coordinate basin activities, facilitate meetings, provide technical analyses, develop instream flow targets, manage contested case processes for minimum perennial flow conversions, and shepherd any necessary law changes.	This was not requested in either ARB or GRB in 2019 session
Strategic Implementation Areas	\$276,000 LF	ODA	Funding to expand ODA's work with partner agencies and organizations to achieve water quality goals in small agricultural watersheds throughout the state, implemented through the coordinated streamside management effort.	In 2019 Session, this was ODA POP 310; adjusted for shortened biennial timeframe
Lower Umatilla Basin GWMA	\$156,250 LF	ODA	Provides funding for leadership and facilitation to stakeholders in the Lower Umatilla Basin GWMA, develop measurable objectives, and identify monitoring needs, with the ultimate goal of meeting criteria to remove the area's Groundwater Management Area designation.	In 2019 session, this was ODA POP 350. Reducing amount to account for shortened biennial timeframe.
Complex Water Issues	\$898,391 GF	OWRD	Funding for three positions to work with parties involved in complex water management issues to assist in developing solutions. In addition to staff, includes contract dollars for consultants and facilitators.	In 2019 session, this was an ARB request – WRD POP 103.
Water Management in the Field	\$563,914 GF	OWRD	Strengthening the WRD field presence and addressing field workload challenges will help implement Recommended Action 10.F of the Integrated Water Resources Strategy. Further, field staff implement other recommended actions of the Strategy, from increasing water use measurement (2.B) to improving water resource data collection (1.B).	In 2019 Session, this was WRD POP 106. This requests same positions, modifying locations based on the most current workload needs. This includes two watermasters in the South Central Region, and two assistant watermasters in the Southwest Region.

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January 8, 2020

Oregon Water Vision Meta Loftsgaarden, Executive Director, Oregon Watershed Enhancement Board 775 Summer St NE #360 Salem, OR 97301

Subject: Oregon's 100-Year Water Vision

Ms. Meta Loftsgaarden:

Below are combined comments from four state-wide water associations regarding the draft 100-Year Water Vision for Oregon (Vision). We are encouraged by the attention and renewed focus on water in Oregon. For many of our member agencies, water is what we do every day and collectively, we have many insights into and examples of the challenges AND the potential solutions that exist in Oregon today and in the future.

Thank you for the opportunities to participate in this process. Many of our members have attended the various sessions held across the state and have participated in the Oregon Consensus interviews. This letter is intended to provide additional comments for your team to consider as you embark on next steps. Our comments are centered around a few themes that emerged from conversations with our collective members. Each association, described below, is comprised of a variety of members, and the comments are a representation of some of the feedback we have received, but are not intended to be comprehensive of each and every viewpoint held by individual members.

We would like to offer ourselves as a resource as you move forward in this important work. We would like to request a meeting with you and the vision team soon, to have a more detailed conversation about our comments and how we can assist as you move forward.

Who We Are:

owuc

The Oregon Water Utility Council (OWUC) is a committee of the Pacific Northwest Section of the American Water Works Association. Made up of cities, special districts, public utility districts and private companies, OWUC members collectively supply domestic water to more than 75% of the population of Oregon. OWUC's



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LOC

Founded in 1925, the League of Oregon Cities is a voluntary association representing all 242 of Oregon's incorporated cities. The LOC helps city governments serve their citizens by providing legislative advocacy services, policy consultation, intergovernmental relations assistance, networking and training, technical assistance and publications.

are provided with drinking water of the highest quality and sufficient quantities at a reasonable cost.

SDAO

The Special Districts Association of Oregon (SDAO) represents approximately 920 of the 1,000 single service local government districts across the State of Oregon. Our membership includes 34 types of districts which is diverse both in size and geography and includes districts that provide municipal drinking water, sanitary sewer service, irrigation, public utility districts, drainage districts, fire protection, and parks and recreation to name a few. Districts are generally formed by the citizens they serve and are run by elected officials who generously serve without compensation.

OAWU

The Oregon Association of Water Utilities (OAWU) represents over 800 members with well over 500 being a combination of drinking water and/or sanitary sewer/wastewater utilities from cities, districts, cooperatives and private service providers - from the largest utilities and cities to the very small across the State of Oregon.

Comments on the Draft Vision:

Water is uniquely regional in nature, as are the solutions. Without this recognition, state-wide approaches are not typically effective. The needs of one community may not reflect the needs of a community right next door with a different water source and system. Creating flexible tools is essential to providing solutions that work.

Truly long-term planning is always a challenge, and it may be helpful to cast the long-term vision piece of this discussion in terms of scenario planning – building flexible tools and options to address a range of potential outcomes. It's important to note, particularly with drivers like climate change and population changes, that the Vision is not about predictions, but about building flexible options to address an uncertain future.

As water utilities, special districts, and municipalities, we have been planning for Oregon's water future for decades, and we are excited to share our insights and experiences with you and your team. In conversations with our members, three themes emerged in response to the Draft Vision –integration of existing water efforts, scope of the Vision, and funding, funding, funding.

Integration of existing water efforts

Our members have participated in many of the recent state-wide water planning efforts, including, but not limited to, the Integrated Water Resources Strategy (2012, update 2017), the Oregon Water Resources Department Strategic Plan (2019-2024), the Secretary of State Audit Report: OWRD: Enhancing Sustainability Efforts and Agency Planning Need to Better Address Oregon's Water Supply Needs (2016), and the Statewide Long-Term Water Demand Forecast (2015). These efforts, and in particular the IWRS, involved <u>many</u> stakeholders and created key documents intended to address the problem statements identified by today's Vision effort. As stated in the Introduction to the IWRS, "In order to achieve Oregon's vision for water, a strategy was developed that brings various sectors and interests together to work toward the common purpose of maintaining healthy water resources to meet the needs of Oregonians and Oregon's environment for generations to come." The Next Steps section of the IWRS details the need for a workplan – the vision is there, it's the details of implementation and funding that are missing, and we hope the Vision can be the piece that fills in those gaps.

We support and applaud this renewed focus on water, and hope the Vision can address the following:

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- How is the Vision different than the IWRS?
- How will it bring more funding?
- How will it provide better coordination and integration of the issues already raised?

Scope of Vision

While we appreciate the focus on long-term planning, we have questions about a 100-year Vision and viable implementation of that vision. Encouraging all water-users to think long-term is great, and many of the decisions we make each day around our resources and infrastructure needs are 100-year decisions. The replacement of that pipe, the fixing of that dam, the building of that water treatment system – all those things are far-reaching decisions that will affect generations to come. The main concern we have with a 100-year time frame for the implementation side is the disconnect from funding realities and mechanisms that are required to make the Vision a reality. Funding, as noted below, is at the root of several of the most pressing issues. We would like to see a Vision that acknowledges the time periods that connect to statutory and financial frameworks that we all deal with daily such as 20-year master plans or land use plans with five-year updates.

Funding

A 2016 Infrastructure Survey Report from the League of Oregon Cities identified over \$7 billion worth of water infrastructure needs over the next 20 years – just for municipal needs. We would guess there are similar infrastructure and modernization needs for other entities. The need for dedicated funding came up amongst our members again and again. Our associations understand that funding is a challenge across sectors, but the work of implementing any Vision will require reliable funding for diverse water needs, including infrastructure, planning, watershed protection, governance, capacity, and flexible tools.

The list below captures some of our thoughts on current water-related funding and funding-related issues, and how some of those systems are or are not working as intended. Some members noted that the current Vision team does not have specific experience in finance or related funding efforts – this could be a gap to fill as you enter the next phase.

- Strategic investments and existing fund development
 - Several other state agencies administer grant and loan programs that are often poorly integrated into priority needs by region. Putting funding within regulatory agencies also creates challenges. The Special Public Works Fund, administered by the Infrastructure Finance Authority, is an example of a program that is working well, and is well-run.
- Complexity, capacity and governance
 - Currently, Oregon lacks a consistent and widely adopted (or required) framework and funding source for conducting regional or basin water-planning efforts that should turn into projects. These efforts often stall out due to lack of capacity or hit policy, process or funding barriers that would benefit from expert senior level help from agency staff, particularly with complex issues. Bureau of Reclamation's Basin study Framework and OWRD's place-based planning pilots provide great models to create a state-wide adopted stepwise process. Senior staffing assistance to help these efforts is currently needed and being discussed.
- Challenges for small utilities and community water systems
 - Smaller utilities and community water systems provide water-related services to many Oregonians and often have the biggest funding challenges. Creating consistent access to funds and providing related technical capacity is an ongoing challenge and must be included in any Vision.



- Equity and affordability
 - This topic was highlighted by most of our members. Solutions for new supplies and updating infrastructure must be equitable across the water user types, and affordability must be defined in a way that responds to the regional realities across Oregon.

Thank you for considering these comments. All the members appreciate the opportunity to provide feedback. A small, representative group of us would like to set up a time to meet with you and your team to discuss our comments and offer our experiences as a resource. If you are amenable, we will contact your office soon to set up a time.

In the meantime, if you have any questions or comments, please contact us. We look forward to meeting with you and your team soon.

Sincerely,

Michael W. Grimm, P.E. OWUC Chair 503-292-2777 MGrimm@wswd.org

Niki Iverson LOC Water Policy Committee Chair 503-615-6770 Niki.iverson@hillsboro-oregon.gov **Todd Heidgerken** SDAO Water Committee and Legislative Committee Chair 503-722-9250 theidgerken@crwater.com

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