

**Willamette Water Supply System Commission  
Board Meeting Minutes  
Thursday, June 3, 2021**

**Commissioners present:**

Tualatin Valley Water District (TVWD):	Jim Duggan
City of Beaverton:	Lacey Beaty
City of Hillsboro:	David Judah

**Committee Members present:**

TVWD:	Tom Hickmann, Management Committee
City of Hillsboro:	Niki Iverson, Management Committee
	Chris Wilson, Management Committee
	Lee Lindsey, Finance Committee
	Eric Hielema, Operations Committee
City of Beaverton:	Chad Lynn, Management Committee
	David Winship, Operations Committee

**Managing Agency Administrative Staff present:**

Dave Kraska, Willamette Water Supply Program (WWSP) Director; WWSS Commission General Manager  
Joelle Bennett, WWSP Assistant Director  
Bill Van Derveer, WWSP Program Manager  
Lisa Houghton, WWSP Finance Manager  
Christina Walter, WWSP Permitting & Outreach Manager  
Clark Balfour, TVWD General Counsel  
Annette Rehms, WWSP Administrative Assistant  
Debbie Carper, TVWD and WWSS Commission Recorder

**Other Attendees:**

Tommy Brooks, Cable Huston Legal Counsel  
Matt Oglesby, TVWD Asset Management Division Manager  
Shital Patel, TVWD Technical Services Accountant

**CALL TO ORDER**

Chair Judah called the regular Willamette Water Supply System (WWSS) Commission meeting to order at 12:08 p.m.

**ROLL CALL**

Ms. Carper administered the roll call and noted attendance.

**EXECUTIVE SESSION ACTION**

Commissioners noted they recently learned there has been a legal challenge to the Thermal Trading Plan that was proposed to the Department of Environmental Quality, which is a critical part of obtaining Water Quality Certification under the Clean Water Act.

Motion was made by Duggan, seconded by Beaty, that 1) the Commission acknowledges it has a vested interest in the approval of the Thermal Trading Plan and the outcome of the legal challenge to that plan; and 2) that it authorizes staff and legal counsel to participate in all proceedings necessary to protect that vested interest, including by filing pleadings and other documents with the court as is deemed necessary. The motion passed unanimously with Beaty, Duggan and Judah voting in favor.

Commissioners indicated the WWSP currently operates under a Management Authority Matrix (MAM). It appears that the MAM would benefit from a small revision to clarify the spending authority of the General Manager in the situation where the condemnation process has been initiated.

Motion was made by Judah, seconded by Beaty, that the Commission 1) modifies the MAM to authorize the General Manager to acquire property interests for an amount that is up to twice the appraised value of the property, or \$150,000.00, whichever is greater; 2) ratifies any prior acquisitions that meet these criteria; and 3) directs staff to update the MAM to reflect this clarification. The motion passed unanimously with Beaty, Duggan and Judah voting in favor.

### **1. GENERAL MANAGER'S REPORT**

Mr. Kraska presented a safety minute on bicycle safety. (*presentation on file*)

The General Manager's report included an overview of etiquette for remote meetings; the Approvals and Procurement Forecast covering May through August 2021; updates on projects planning, permitting and communications; and status updates on the design and construction of projects. The report also noted that all contractors are remaining in compliance with the Governor's Executive Order No. 20-12 regarding hygiene and social distancing.

### **2. PUBLIC COMMENT**

There were no public comments.

### **3. CONSENT AGENDA**

- A. Approve the May 6, 2021, meeting minutes.

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

### **4. BUSINESS AGENDA**

- A. Approve PLM\_1.3 Bonneville Power Administration (BPA) Agreement – *Joelle Bennett*

Ms. Bennett said the project, which has reached 60% design, includes installing pipeline within SW Ridder Road in Wilsonville. The proposed agreement includes provisions for relocation of BPA infrastructure connecting two substations on opposite sides of the road. Since the BPA requires payment to be linked to entities within its payment system, Tualatin Valley Water District, as the Commission's Managing Agency, will enter into the agreement on behalf of the Commission. Funds for the relocation work will draw on project contingency.

Motion was made by Beaty, seconded by Duggan, to adopt Resolution No. WWSS 10-21 approving an agreement on behalf of the Willamette Water Supply Commission between the Tualatin Valley Water District and Bonneville Power Administration (Agreement Number 21TP-12325). The motion passed unanimously with Beaty, Duggan and

Judah voting in favor.

B. Approve WWSP Program and Construction Management Services FY 2022 Annual Work Plan – *Dave Kraska*

Mr. Kraska described the services Stantec will provide starting in Fiscal Year 2022, reviewed the history and main elements of the 2015 contract and described the budget impact of the proposed Annual Work Plan, including partner cost shares. (*presentation on file*)

Motion was made by Duggan, seconded by Beaty, to approve an Annual Work Plan for Stantec Consulting Services, Inc. to provide Program and Construction Management Services for the Willamette Water Supply Program during Fiscal Year 2022. The motion passed unanimously with Beaty, Duggan and Judah voting in favor.

Mr. Van Derveer, Stantec Vice President, thanked the Commission for its trust and confidence and for the privilege to work on the WWSP.

C. Adopt FY21-22 WWSS Board Meeting Schedule – *Dave Kraska*

Mr. Kraska said staff is recommending continuing the current meeting schedule of the first Thursday of each month at noon.

Motion was made by Beaty, seconded by Duggan, to adopt Resolution No. WWSS 11-21 establishing regular monthly meeting dates of the Willamette Water Supply System Board of Commissioners for fiscal year 2021-22. The motion passed unanimously with Beaty, Duggan and Judah voting in favor.

D. Approve Delegation of Authority to TVWD for a State and Tribal Assistance Grant (STAG) Letter of Interest (LOI) – *Dave Kraska*

Mr. Kraska said in order to be considered for this grant, the Commission needs to delegate authority to TVWD to use its Water System Identification Number and submit an LOI on the Commission's behalf.

In response to a question, Mr. Kraska said there is not expected to be any risk to TVWD in using its identification number in this way since any potential funding received would be owned and managed separately by each partner agency. In response to a question about what would happen if TVWD were to no longer be the Managing Agency of the WWSS, Mr. Kraska noted that he believed that the WWSS Commission intergovernmental agreement (IGA) stipulated that TVWD would be the Managing Agency at least through 2032, which should mitigate this concern.

**[Recorder's Note:** Upon reviewing the WWSS Commission IGA after the meeting, Mr. Kraska found that this stipulation is in the Willamette Intake Facilities Commission IGA, not the WWSS IGA. Regardless, Mr. Kraska contends that it is still appropriate to use TVWD's water system identification number for this LOI as it is the Managing Agency for the Willamette Water Supply Program (WWSP), and making a change of the Managing Agency before the WWSP is complete in 2026 is highly unlikely.]

Motion was made by Duggan, seconded by Beaty, to adopt Resolution No. WWSS 12-21 approving Delegation of Authority to the Tualatin Valley Water District to seek State and Tribal Assistance Grant Funding. The motion passed unanimously with Beaty, Duggan and Judah voting in favor.

**5. INFORMATION ITEMS**

A. Planned July Business Agenda Items – *Joelle Bennett*

Ms. Bennett presented information on business agenda items planned for the July 1, 2021, WWSS Commission Board meeting.

Staff anticipates recommending the following actions:

1. Adopt RES\_1.0 WCLUT Grabhorn Road Realignment IGA
2. Adopt PLM\_4.2 WCLUT Teton to Langer Design IGA Amendment Three
3. Adopt PLM\_4.4 WCLUT Roy Rogers Road Design IGA Amendment One
4. Approve PLM\_1.3 Settlement Agreement with W-4 LLC

B. The next Board meeting is scheduled on July 1, 2021, via Microsoft Teams conference

**6. COMMUNICATION AND NON-AGENDA ITEMS**

There was none.

**ADJOURNMENT**

There being no further business, Chair Judah adjourned the meeting at 12:44 p.m.

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David Judah, Chair

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James Duggan, Vice Chair