# Intergovernmental Water Board
# Special Meeting Minutes
# July 20, 2006
## Tigard Water Building
## 8777 SW Burnham Street
## Tigard, Oregon

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| ***Members Present:*** | Patrick Carroll (arrived 5:04 p.m.), Beverly Froude, Bill Scheiderich, Dick Winn and Sydney Sherwood (alternate for Tom Woodruff) |
| ***Members Absent:*** | Tom Woodruff |
| ***Staff Present:*** | Assistant Public Works Director Brian Rager<br>Water Quality & Supply Supervisor John Goodrich<br>IWB Recorder Greer Gaston |

### *1. Call to Order, Roll Call and Introductions*

The meeting was called to order at 5:01 p.m.

### *2. Annexation of the Clute, Menlor Reservoir and Cach Properties into the City of Tigard*

Commissioner Scheiderich stated the Board was considering a consent to annexation and added the Board was not taking public comment at this meeting. He noted the Board had heard public comments on this issue at its July 12, 2006, meeting and he had acted on those comments.

Commissioner Scheiderich addressed the following issues:

Consent to Annexation/Public Process
Commissioner Scheiderich emphasized the Board was not annexing the properties in question. He announced he had spoken with Washington County Counsel and confirmed the issue under consideration was whether the Board wanted to consent to annexation. This does not mean the properties will be annexed. He noted the actual annexation process would be a land use matter handled through the City of Tigard and this process would require a public hearing. The annexation decision could be appealed to the Land Use Board of Appeals.

Ownership
Commissioner Scheiderich emphasized any action taken by the Board would not affect the ownership of property.

*Note: Commissioner Carroll arrived at 5:04 p.m.*

Shared Ownership
Commissioner Scheiderich commented the City of Tigard has deemed the members of the Board as having an ownership interest in the properties. He added the City, as the managing agency, could have bypassed this process and asserted it had sufficient ownership to initiate the annexation on its own. In asking the TWD and two other cities to go through this process, the City was allowing for more consideration than required.

Urgency
Commissioner Scheiderich stated the City of Tigard's position was that water assets, like the reservoir, are very important and the possibility of turning these assets over to another city is too much of an unknown. The Bull Mountain petition of incorporation compelled Tigard to decide whether to leave the water properties in the unincorporated area, where they may end up within the boundaries of a new city, or to annex them now.

Impact of Boundary Changes
Commissioner Scheiderich stated the point of the upcoming Bull Mountain incorporation public hearings is solicit input, regarding boundaries and other issues, from cities or other entities that may be affected by the incorporation. Commissioner Scheiderich reported, according to County Counsel, changing the boundaries would not affect the feasibility study. The purpose of the hearings is to decide what the boundaries should be and redrawing the boundaries would not put a stop to incorporation.

Attempt to Disrupt Incorporation
Commissioner Scheiderich said he did not believe the annexation was an attempt to undermine incorporation. He added he would have serious reservations about supporting the consent to annex if he believed this to be the case.

Tax Revenue
Commissioner Scheiderich stated annexation of the properties would not affect the tax revenue of the new city, since properties owned by the City and the TWD are not taxable.

Parks
Commissioner Scheiderich explained Metro had allocated money to purchase some of the property, and although this was public money, Tigard determined how and where the money was spent. He doubted Tigard would single out non-city residents when it came to using the park and added any parks created from the annexed parcels would be regional assets.

Motion and Positions
Commissioner Scheiderich asked for a motion giving the Board's consent to annexation of the Clute, Menlor Reservoir, and Cach properties to the City of Tigard

and authorizing the Chair to sign the consent to annexation. Commissioner Carroll so moved and Commissioner Sherwood seconded the motion.

Commissioner Scheiderich asked the Commissioners to state their position.

Commissioner Carroll reported in order to protect water assets, the City of Durham recommended the annexation of the Menlor Reservoir, Clute property and Cach properties into the City of Tigard.

Commissioner Winn, as the King City representative, reported he had been directed to recommend approval of consent to annexation. He stated his initial objection was the IWB should not be in the business of annexing properties and the Board should not be used by the City of Tigard for this purpose. Commissioner Winn concluded that given Commissioner Scheiderich's assessment of the property situation, the consent to annex made sense.

*Note: On 7-26-06 King City submitted a revised letter dated 7-19-06 changing the wording of their previous memo from "The City Council of King City recommends that the IWB execute annexation . . ." to "The City Council of King City recommends that the IWB consent to annexation . . ." A copy of the revised letter is on file in the IWB record.*

Commissioner Sherwood, representing the City of Tigard, explained Tigard needed to protect and continue taking care of the water district property within Tigard city limits, as opposed to having the property reside within some other city.

Commissioner Froude stated she would abstain from the vote. She represents the TWD and the District had not made a recommendation.

The motion was approved by a majority vote of 4-0-1, with four yes votes and one abstention by Commissioner Froude.

*Note: item # 3, Next Meeting – August 9, 2006, 5:30 p.m. - Water Auditorium, was not discussed.*

***4. Adjournment:*** The meeting was adjourned at 5:12 p.m.

Greer A. Gaston, IWB Recorder

Date: August 9, 2006