TIGARD WATER DISTRICT
BOARD OF COMMISSIONERS

Serving the Unincorporated Area

Special Meeting Minutes
Tuesday, September 4, 2007

Tigard Water Building – Lobby Conference Room
8777 SW Burnham Street, Tigard, Oregon 97223

Members Present:	Julie Russell, Bert Cornick, Ken Henschel, Kinton Fowler, and Charles Radley
Members Absent:	None
Staff Present:	Water Quality & Supply Supervisor John Goodrich TWD Recorder Joy Koss
Visitors:	Richard Burke, Patti Fowler, Barbara Sherman and Eileen Eakins (joined the meeting by speakerphone for items 2, 3, 4 and 5)

1. Call to Order, Roll Call and Introductions

The Tigard Water District (TWD) meeting was called to order by Chair Radley at 7:05 p.m. All Board members were present. Chair Radley introduced the President of the Tualatin Valley Water District Richard Burke and contacted attorney Eileen Eakins by speakerphone.

2. Review and Approve Contracting Rules for Personal and General Services – Eileen Eakins

Chair Radley stated the TWD Board has been operating under the City of Tigard's financial contracting rules that will expire on September 30, 2007, and the Board needs their own set of rules in place by that date. According to Chair Radley, Board members had received copies of a cover letter and two documents prepared by attorney Eileen Eakins. These documents are on file in the TWD record. Attorney Eakins explained to the Board that the first page is a draft resolution adopting public contracting rules and procedures for Tigard Water District. Under the "NOW, THEREFORE" section, item one indicates adoption of the Oregon Attorney General's Model Public Contracting Rules as they now exist or are later modified, except as otherwise provided. The otherwise provided portions are in Exhibit A which contains rules that are specific to Tigard Water District and are either modified from the model rules or create rules where none exist in the model rules for local government.

Attorney Eakins addressed the Board's concern about having a rule for personal services contracts. Under the Attorney General's Model Rule, there is no rule that applies specifically to special districts. Attorney Eakins proposed a definition and proposed a way of awarding those contracts. Further discussion continued between Board members and attorney Eakins on this topic. Attorney Eakins stated that once the rules are adopted, they can be amended by resolution as well.

Commissioner Russell motioned to accept draft Resolution No. 07-03 adopting public contracting rules and procedures effective immediately upon adoption; Commissioner Henschel seconded the motion. The motion was approved by unanimous vote, with Commissioners Russell, Cornick, Henschel, Fowler and Radley voting yes. Board Chair Radley and Secretary Cornick signed Resolution No. 07-03.

3. Discuss Vendor Solicitation Process for Administration Services

After contacting the Special Districts Association of Oregon, Commissioner Russell reported that there were several options regarding the vendor solicitation process for administration services. One suggestion was to contact other special districts, such as River Grove, and sign an IGA with them, or contract services for meeting notices, bookkeeping and minutes.

Commissioner Henschel reported he was waiting for a return call from a gentleman who lives within the TWD and who is currently manager of the Raleigh Water District.

Visitor Richard Burke reported Tualatin Valley Water District (TVWD) provides management services for other districts (West Slope and Sherwood), and announced he was in the middle of a career shift and expressed interest in supporting the TWD, if there is an opportunity.

Mr. Burke and the Board discussed a variety of subjects: future growth and water supply planning, the future water supply needs of Areas 63 and 64, future water supply planning for the TVWD, and the various supply options being considered.

Chair Radley discussed the Scope of Services List with commissioners.

Note: The Board deferred discussion on item 3 and proceeded on to item 4.

4. Consider Opening TWD Bank Account

Commissioner Fowler will reschedule a time to meet with City of Tigard's Financial Operations Manager Roger Dawes to transfer funds before September 30, 2007.

The Board discussed various issues in regard to opening a bank account and consulted with attorney Eakins about any requirement to name a specific bank in the resolution.

Commissioner Fowler motioned to adopt Resolution No. 07-04 to open a bank account in the name of Tigard Water District; Commissioner Russell seconded the motion. The motion was approved by unanimous vote, with Commissioners Russell, Cornick, Henschel, Fowler and Radley voting yes. Board Chair Radley and Secretary Cornick signed Resolution No. 07-04.

Board members agreed to use U.S. Bank. Commissioner Fowler will check into what U.S. Bank requirements are for opening an account. Staff will provide copies of the July 2, 2007, and July 30, 2007, meeting minutes to Chair Radley and Commissioner Fowler.

5. Discuss Selection of Registered Agent and Registered Office for TWD

Commissioner Cornick indicated attorney Clark Balfour would be happy to have his office act as registered agent. Chair Radley asked attorney Eakins if she would be interested in being a registered agent and she acknowledged her interest to be the registered agent for TWD. The Board discussed fees for this service with attorney Eakins. An annual fee of $150 was mentioned, but no fee decision was reached. Commissioner Russell made a motion to designate Eileen Eakins as the registered agent for TWD and office for the Tigard Water District effective immediately; Commissioner Fowler seconded the motion. The motion was approved by unanimous vote, with Commissioners Russell, Cornick, Henschel, Fowler and Radley voting yes.

Note: The Board recessed the Special Meeting to convene an Executive Session.

8. Recess Special Meeting and Convene Executive Session

Executive Session – Real Property Transactions, Exempt Public Records and Consultation with Legal Counsel on Pending Litigation

Commissioner Radley recessed the special meeting and announced the Board was going into executive session under ORS 192.660(2) (e), (f) and (h). The executive session was convened at 8:04 p.m. Staff did not participate.

The Board concluded executive session at 9:04 p.m.

11. Reconvene Special Meeting and Consider Matters from Executive Session, if any

Commissioner Radley reconvened the Special Meeting at 9:07 p.m. Commissioner Fowler made a motion to authorize Commissioners Henschel and Russell to join attorney Eileen Eakins at a meeting with the Special Districts Association; Commissioner Cornick seconded the motion. The motion was approved by unanimous vote, with Commissioners Russell, Cornick, Henschel, Fowler and Radley voting yes.

Note: The Board decided to discuss item 6.

6. Review and Approve Summary Addition to June 25, 2007, Meeting Minutes

Commissioner Russell provided documentation to amend the June 25, 2007, meeting minutes. Commissioner Cornick made a motion to approve the June 25, 2007, minutes of the Tigard Water District with the summary addition provided by Commissioner Russell; Commissioner Henschel seconded the motion. The motion was approved by unanimous vote, with Commissioners Russell, Cornick, Henschel, Fowler and Radley voting yes.

7. Consider Commissioner Travel Expenses

Commissioner Russell presented documentation for 80 miles at 48.5 cents per mile for $38.80 for training at Special Districts of Oregon in Salem on August 6, 2007. Commissioner Fowler made a motion to approve this claim for expenses; Commissioner Cornick seconded the motion. The motion was approved with Commissioners Cornick, Henschel, Fowler and Radley voting yes. Commissioner Russell abstained.

Chair Radley submitted a claim for cassette tapes for $22. Commissioner Cornick made a motion to approve Commissioner Radley's bill for reimbursement for the purchase of tapes used to record executive sessions; Commissioner Fowler seconded the motion. Vice Chair Cornick took a vote. The motion was approved with Commissioners Russell, Cornick, Henschel, and Fowler voting yes. Commissioner Radley abstained.

8. Non-agenda Items, if any

Mr. Goodrich asked the Board for clarification as to which attorney (Eakins or Balfour) should act as the point of contact for correspondence from City staff. He summarized his understanding was that all of the correspondence having to do with the separation of services should be directed to attorney Balfour and all litigation matters should be directed to attorney Eakins. The Board concurred.

The Board discussed use of the post office box for the bank account. Mr. Goodrich assumed that the post office box would be turned over to the Board, but indicated he would check into that matter.

Mr. Goodrich reported that he provided the TWD, via Commissioner Fowler, a copy of the general ledger covering fiscal years 2004/2005 through 2007/2008. All records before that time have been destroyed as per state law. Retention is three years. Mr. Goodrich also provided Commissioner Fowler with the "Review in Lieu of Audit" that was recently completed. Mr. Goodrich said he would assist in arranging a follow-up meeting should Commissioner Fowler have questions after reviewing these documents. Upon request of the TWD, city staff estimates eight hours of labor to pull the intermixed files and collate for TWD records.

Note: The Board returned to agenda item 3.

3. Discuss Vendor Solicitation Process for Administration Services - Continued

Chair Radley shared that two people being considered for administrative services have dropped out for reasons of time. Board members continued discussions about meeting support, requirements for recording meeting minutes, and establishing a website. Commissioner Russell suggested posting notices in The Oregonian, Tigard Times, Washington County Weekly and Oregon Live indicating TWD is looking for service providers.

Chair Radley indicated Richard Burke is interested in being considered for the manager position. Commissioner Russell commented that a manager is not needed unless the Board is going to take over total operations of the TWD. Chair Radley expressed interest in a manager position to alleviate the load he is currently carrying. The Board discussed how those duties might be distributed among the other Board members in lieu of hiring a manager.

Commissioner Russell agreed to write up a notice for clerical, administrative and bookkeeping services and call River Grove. Commissioner Henschel agreed to follow-up with the Raleigh Water District manager.

Mr. Goodrich addressed inquiries from Board members about room reservations, building access, speakerphone, public address system, City of Tigard website services and records. Mr. Goodrich said he would follow-up on the status of records and website issues. The Commissioners continued discussing various topics pertaining to the Scope of Services List.

Mr. Goodrich reminded Commissioners of the upcoming information session scheduled for September 13, 2007, at 7:30 a.m. of ASR and High Tor facilities.

11. Adjournment

Commissioner Russell made a motion to adjourn; Commissioner Henschel seconded the motion. The motion was approved by unanimous vote, with Commissioners Radley, Russell, Cornick, Henschel and Fowler voting yes. Chair Radley adjourned the meeting at 9:51 p.m.

Joy Koss

Joy Koss, TWD Recorder

Date: 9-27-2007