



**Oak Lodge Water District Office  
14496 SE River Road  
Oak Grove, OR 97267  
February 20, 2018 at 6:00 p.m.**

1. Call to Order and Flag Salute
2. Call for Public Testimony

Members of the public are welcome to testify for a maximum of three minutes on each agenda item.

3. Consent Agenda
  - January 2018 Financial Reports
    - Approval of January 2018 Check Run
  - January 16, 2018 Board Meeting Minutes
4. Second Reading of Rules and Regulations: Ordinance 18-01
5. 2018 Water Master Plan Consultant Contract
6. Request for Oak Lodge Water Services District Representative for Concord Community Stakeholders (CCS) organization.
7. Department Reports
  - Finance
  - Field Operations
  - Plant Operations
  - Technical Services
8. Call for Public Comment
9. Business from the Board
10. Recess to Executive Session

Convene Executive Session under ORS 192.660 2(f) to consider information or records that are exempt by law from public inspection and ORS 192.660 2(h) for consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

11. Adjourn Executive Session- Board may take action if necessary.

Adjourn



## AGENDA ITEM

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**Agenda Item:** Call for Public Testimony  
**Item No.:** 2  
**Presenters:** N/A

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### **Background:**

Members of the public are invited to identify agenda items on which they would like to comment or provide testimony. The Board may elect to limit the total time available for public comment or for any single speaker depending on meeting length.



## CONSENT AGENDA

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**To:** Board of Directors  
**From:** Sarah Jo Chaplen, General Manager  
**Agenda Item:** Consent Agenda  
**Item No.:** 3  
**Date:** February 20, 2018

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**Background:**

The Board of Directors has a standing item on the regular monthly meeting agenda called "Consent Agenda." This subset of the regular agenda provides for the Board to relegate routine business functions not requiring discussion to a consent agenda where all included items can be acted upon by a single act.

The Consent Agenda includes:

1. January 2018 Financial Reports
  - o Approval of January 2018 Check Run
2. January 16, 2018 Board Meeting Minutes

Board members may request to remove an item from the Consent Agenda to discuss separately.

**Options for Consideration:**

1. Approve the consent agenda as listed on the meeting agenda.
2. Request one or more items listed on the consent agenda be pulled from the consent agenda for discussion.

**Recommendation:**

Approve the items listed under the Consent Agenda.

**Sample motion:** *"I move to approve the consent agenda."*

Approved \_\_\_\_\_

Date \_\_\_\_\_



OAK LODGE WATER SERVICES  
Minutes  
Board of Directors – Regular Meeting  
January 16, 2018

Board of Directors - Members Present:

Nancy Gibson, President  
Susan Keil, Vice President/Secretary  
Lynn Fisher, Treasurer  
Jim Martin, Chair  
Kevin Williams, Director,

Board of Directors - Members Absent:

None,

Oak Lodge Water Services Staff Present:

Sarah Jo Chaplen, General Manager  
Aleah Binkowski-Burk, Human Resources and Payroll Manager  
Jason Rice, District Engineer  
David Mendenhall, Plant Superintendent (absent)  
Kelly Stacey, Finance Director  
Todd Knapp, Field Operations Superintendent  
Tommy Brooks, District Counsel, Cable Huston LLP  
Laura Maffei, District Counsel, Cable Huston LLP,

Visitors Present:

Dave Phelps, OLWS Budget Committee  
Terry Gibson, OLWS Budget Committee  
Jason Ellerby, Local Resident  
Paul Gornick, OLWS Budget Committee  
John Klum, OLWS Budget Committee  
Eugene Whitley, OLWS Budget Committee  
Eric Hofeld, Sunrise Water District Representative  
Thelma Haggemiller, Local Resident  
Steven Cade, OLWS Budget Committee.

## REGULAR MEETING

### 1. Call to Order and Flag Salute

Board Chair Jim Martin called the regular meeting to order at 6:00 p.m. and General Manager Sarah Jo Chaplen led the pledge of allegiance.

### 2. Call for Public Testimony

After the pledge, Chair Martin called for public testimony. Andrew Collins-Anderson, the Executive Director of the North Clackamas Urban Watersheds Council (NCUWC) introduced himself and presented the 2017 NCUWC Annual Report to the Board. He shared gratitude for the support provided by Oak Lodge for the NCUWC.

### **3. Consent Agenda**

- **November and December 2017 Financial Reports**
  - i. **Approval of November and December 2017 Check Run**
- **December 19, 2017 Board Meeting Minutes**

Several corrections were posted to the December 19, 2017 Board Meeting Minutes, including a correction to the correction to the North Clackamas County Water Consortium, the update of the title for Eric Hofeld as representative of the Sunrise Water Authority, and the addition of Finance Director Kelly Stacey's name to the motion for Agenda Item #6, Designating the OLWS Budget Officer.

**Vice President Keil moved to approve the consent agenda with the corrections as noted. Director (current President) Gibson seconded the motion.**

**Ayes: 5**

**Nays: None**

**Motion carried: 5-0**

### **4. Annual January Board Selection of Board Officers**

President Jim Martin presented that the Board would appoint a President, Secretary/Vice President, and a Treasurer. Director Williams nominated Director Nancy Gibson for the role of President. There were no other nominations, and there was unanimous support for her. She accepted the position. President Gibson moved that Secretary/Vice President Susan Keil be Secretary/Vice President. There were no other nominations. Outgoing President Jim Martin declared by acclamation that the role of Secretary/Vice President be held by Susan Keil. Director Williams nominated Director Lynn Fisher as Treasurer of the Board. There were no other nominations. Outgoing President Jim Martin declared by acclamation that the role of Treasurer be filled by Director Fisher.

**Director Jim Martin turned the Chair of OLWS over to President Gibson for the remainder of the meeting.**

### **5. Registered Agent Designation for Resolution 18-01**

General Manager Sarah Jo Chaplen shared that the District needs to update the Designation of the Registered Agent with the state from former Interim General Manager Jason Rice to current General Manager Sarah Jo Chaplen.

**Director Fisher moved to approve Resolution No. 18-01 designating Sarah Jo Chaplen as the Registered Agent for the Oak Lodge Water Services District. Director Williams seconded the motion.**

**Ayes: 5**

**Nays: None**

**Motion carried: 5-0**

Director Martin asked who would sign in her stead if she was unavailable. General Manager Sarah Jo stated Jason Rice or any other member of the management team as designated by her to sign in her absence would hold that responsibility. Treasurer Fisher asked how the Secretary/Vice President will be able to participate in signing the Resolution. General Manager Sarah Jo stated she would drive any needed documents to Secretary/Vice President Keil for signatures.

#### **6. Acceptance of the Audited Financial Report from January 1 to June 30, 2017**

Finance Director Kelly Stacey stated the OLWS January-June 2017 audit had been completed and there was a communication from the auditors for Board members to accept. No issues were found, the 6-month audit was clean.

**Director Williams moved to accept the audit as submitted and approve the report to be forwarded to the Oregon Secretary of State Audit Division.**

**Treasurer Fisher seconded the motion.**

**Ayes: 5**

**Nays: None**

**Motion carried: 5-0**

#### **7. Initial Appointment of Budget Committee Members**

General Manager Sarah Jo updated the Board on the need to designate staggered terms for members of the OLWS Budget Committee, in order to preserve the organizational knowledge of the District's budget agenda. There are no term limits for members. The Budget Committee term limits were set at random, and members of the current Budget Committee have all agreed to serve again after this term. Budget Committee member Eugene Whitley requested the terms be shared verbally. Terms are set as: John Klum, Chair of the Budget Committee, will serve two years; Eugene Whitley, Secretary of the Budget Committee, will serve one year; Dave Phelps, Budget Committee member is serving three years; Budget Committee member Steven Cade serves three years; Budget Committee member Paul Gornick serves two years; and alternate Budget Committee member Terry Gibson serves in with no term attached. Budget Committee member Eugene Whitley asked if there would be a conflict of interest between OLWS President Nancy Gibson and Budget Committee alternate Terry Gibson. Members present from the OLWS Budget Committee were introduced.

**Treasurer Fisher moved that the Board appoint the following people to the Budget Committee for the following terms:**

***Position No. 1. John W. Klum, Chair—two years***

***Position No 2. Eugene Whitley, Secretary—one year***

***Position No 3. Dave Phelps—three years***

***Position No 4. Steven Cade—three years***

***Position No 5. Paul Gornick—two years***

***Alternate Member—Terry Gibson.***

**Director Williams seconded the motion.**

**Ayes: 5**

**Nays: None**

**Motion carried: 5-0**

## **8. First Reading of Rules and Regulations - Ordinance 18-01**

District Engineer Jason Rice outlined the rereading of the Rules and Regulations and set up the discussion to include information from past meetings and presented the most current version for the official first reading of the Rules and Regulations. Treasurer Fisher asked about the differentiation between “Major, Moderate, and Minor” within the enforcement section of Class I, II and III classifications (Rules and Regulations, page 85). District Engineer Jason Rice responded the document uses the Department of Environmental Quality’s description and outline of each Class. Members of the Board suggested that the DEQ language clearly describes the specific differences between Classes. Laura Maffei, lawyer with Cable Huston, LLP responded that the District could go back to DEQ and check the Class definitions/base penalties. Secretary/Vice Chair Keil suggested that we could supplement the base document with clarifying language through a supplementary Resolution. General Manager Sarah Jo stated that the clarification information could be provided at a later date and asked if the Class descriptions were enough for decision making. District Counsel Tommy Brooks agreed that clarification would be fine to supplement in a Resolution at a later date. The Board agreed to move ahead with a vote for approval of the first reading and to update the Table of Contents and other small formatting issues for the second reading.

**Director Martin moved that the Board conduct the first reading of Ordinance 18-01 by title only and conduct a public hearing.**

**Director Williams seconded the motion.**

**Ayes: 5**

**Nays: None**

**Motion carried: 5-0**

## **9. Department Reports**

- **Finance Report:**

Finance Director Kelly Stacey reported on Accela implementation being the largest part of the current workload. There will be a parallel run for the billing module which will run live in March. President Gibson mentioned a positive comment from a district resident for the upcoming consolidated billing and complemented the District on the recent article in the Clackamas Review, which included good information and graphics.

- **Field Operations Report:**

Field Operations Superintendent Todd Knapp shared the wrap up of the Valley View project and pointed out the photos. Hydro cleaning and T.V.’ing was lower due to staff time off, but that summer will likely pick things up and balance things out. There were five main breaks since the last report. Water consumption was about average.

- **Plant Operations Report:**

Plant Superintendent David Mendenhall was absent from the meeting, so Sarah Jo went over his staff report in his absence. She mentioned that the District will receive a



Platinum award for no permit violations over a consecutive five-year period from National Association for Clean Water Agencies. David Hawkins received his Wastewater 4 Certification in January 2018. The District's staff mechanics tracked down several issues and fixed them, Sarah Jo wanted to commend them for their work.

- **Technical Services Report:**

District Engineer Jason Rice informed the Board that he issued the OLWSD Water Master Plan Request for Proposals and invited Board members to participate in reviewing the proposals. Director Williams volunteered to review applications, which will happen in late January for approval at the February Board meeting. Next, he will be issuing a master on-call services contract in partnership with Sunrise Water Authority, likely ready for approval in the March Board meeting. He is starting the Capital Improvement Plan for the District and will pull in the District's Facilities along with the Sewer/Watershed Protection/Water improvement projects. The Board asked about the timeline on the District's remodel project and Jason responded they are in final stages of planning and they are laying out the financial steps we would need in place to move forward with the remodel plans. The Board asked about purchase of the adjacent property and G.M. Sarah Jo informed them of the lack of response from the property owners. Plans are moving forward without that property. The Board asked about whether the District could purchase Palmers Automotive and staff replied it is already leased, and the owners have no intent to sell.

The Board asked about how customers have received the multiple communications the District has put out about joint billing. Jason responded that he thought that the calls to approximately 300 customers who have previously (and regularly) been certified were received in a very positive light. The intent is to send a final letter with a handwritten address to those customers so that they could catch up on their sewer bill. The Board asked about the size of the bill and how would the customer catch up before the water shut off process takes effect. Staff responded that we will be able to work out payment plans and if needed we will send those owners to collections.

## **10. Call for Public Comment**

Call for public comment. Budget Committee member Eugene Whitley asked whether the audit was for the combined Oak Lodge Water Services. Finance Director Kelly Stacey responded it was for the combined district although there are still many parts to the finances that have run on parallel financial systems. He asked about when the Budget Committee would see a draft budget and schedule of meetings so that he can plan for spring travel. Finance Director Kelly Stacey provided March 20 as the first meeting, which will provide an introduction to the year's finances and a copy of the draft budget and mentioned that she could forward the approved Budget Committee schedule to him if needed. Two weeks after the March 20 introductory meeting they will begin to get into the nuts and bolts of the budget season. This is nearly a month earlier than for 2017. In addition, Finance Director Stacey mentioned that they already presented a power point overview of the financial process during last month's Board meeting. Members of the Board suggested that last year's process was more condensed and that this year there were at

least four meetings scheduled in order to provide plenty of time to go over the materials and information.

Eugene Whitley asked Jason Rice about the Capital Improvement Program in regard to the Walta Vista Bridge. Staff informed him about the District working with Clackamas County to create an Authorities Paper that will clarify responsibility for the storm water system. There was a public compliment for the District staff concerning the District's financial investments. There were no other public comments.

## **11. Business from the Board**

Director Martin attended the Clackamas River Water District meeting and shared that Commissioner Larry Sowa resigned after many years of service.

Director Williams reported Jennings Lodge CPO meeting would be next Tuesday. Karen has asked elected members and members of the community who attend the meeting to give presentations on their respective districts/positions, like the parks district board. He had requested that General Manager Sarah Jo and District Engineer Jason Rice prepare a thorough informational packet for the meeting.

Director Gibson reported on the C4 meeting stating the biggest concern currently is the upcoming transportation planning package and a focus on value pricing. She informed folks to attend local listening sessions and provide input on value pricing. The general thought is that value pricing does not help communities where much of the traffic uses smaller side roads. If Measure 101 does not pass it will affect transportation and climate change planning. She also attended the Regional Water Providers Consortium Executive Committee meeting, sharing information about the public outreach services that they provide to OLWS and how important the services are that they provide. She mentioned the possibility of providing a one-time additional investment because of additional resources due to staff positions that were not immediately filled. The investments might allow the providers to extend their outreach to more audiences and include translation of materials into other languages like Spanish. Tomorrow night she will attend the Special District Caucus with General Manager Sarah Jo.

## **12. Adjourn**

President Nancy Gibson adjourned the regular meeting at 6:58 p.m.

Respectfully submitted,

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Sarah Jo Chaplen  
General Manager

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Nancy Gibson  
President, Board of Directors

Date: \_\_\_\_\_

Date: \_\_\_\_\_



## MONTHLY FINANCIAL REPORT

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**To:** Board Directors  
**From:** Kelly Stacey, Finance Director  
**Agenda Item:** January 2018 Financial Reports  
**Item No.:** 3b  
**Date:** February 20, 2018

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### Reports:

- January 2018 Monthly Overview
- January 2018 Budget Report (Expenses Only)
- January 2018 Monthly Cash and Investment Balances
- January 2018 Monthly Checks and Electronic Withdrawals

**Oak Lodge Water Services**  
**Monthly Overview**  
**January 2018**

This report summarized the revenues and expenditures for January 2018. Also incorporated in this report are account balances, including all cash and investment activity as well as checks and withdrawals.

The District's liquid cash and investment assets equal \$11,394,013.26 as of January 31, 2018; consisting of in 1,434,974.69 checking, and 9,959,038.57 in the State Local Government Investment Pool (LGIP).

The District's checks, electronic withdrawals and bank drafts for January 2018, total \$1,658,544.28.

**Water** sales revenue for the month of January 2018 total \$174,533.40. **Wastewater** sales revenue for the month of January 2018 is \$ 667,509.56. **Watershed protection** sales revenue for the month of January 2018 is \$130,442.60. Total revenue for services provided for the month of January 2018 totals \$972,485.56. This total is lower than typical for February because it reflects one month of water service and the smaller end of the district. This will swing the opposite direction in March when the larger end of the district will be billed three months water. Also, 87 sanitary customers were also billed one month in February. This was necessary to bring the water and sanitary customers to the same cycle for joint billing.

The liquid cash and investment numbers, as well as all the withdrawals are actual numbers since we now have payroll live in Accela. However, the sales amounts listed on this summary are estimates. There may be items from the old system that are not yet posted and reconciled. The numbers are close enough to give a good feel of how we are doing during this transition to the Accela software. The % of budget is calculated by taking the annual amount and dividing it by twelve. At the end of January that should be around 58%.

General Ledger  
Budget Report by Division



User: kelly  
Printed: 2/12/2018 5:44:15 PM  
Period 01 - 08  
Fiscal Year 2018

Account Number	Description	Budget	Period Amt	End Bal	% of Budget
<b>10</b>	<b>Drinking Water</b>				
	<b>Drinking Water</b>				
	<i>Personnel Services</i>				
10-20-5110	Regular employees	970,000.00	0.00	459,513.22	47.37
10-20-5120	Temporary/Seasonal employees	35,000.00	844.02	12,092.54	34.55
10-20-5130	Overtime	35,000.00	0.00	11,400.28	32.57
10-20-5210	Employee Ins-MDVSTDLTDLf	195,000.00	0.00	43,824.76	22.47
10-20-5230	Social Security	75,000.00	0.00	36,306.04	48.41
10-20-5240	Retirement	200,000.00	0.00	90,734.78	45.37
10-20-5250	TrimetWBF	8,000.00	0.00	3,562.65	44.53
10-20-5260	Unemployment	7,000.00	0.00	0.00	0.00
10-20-5270	Workers compensation	25,000.00	0.00	7,847.27	31.39
10-20-5290	Other employee benefits	20,000.00	0.00	969.16	4.85
	<i>Personnel Services</i>	<i>1,570,000.00</i>	<i>844.02</i>	<i>666,250.70</i>	<i>42.44</i>
	<i>Materials &amp; Services</i>				
10-20-6110	Legal services	40,000.00	8,942.37	37,908.91	94.77
10-20-6120	Accounting & audit services	9,000.00	0.00	8,928.15	99.20
10-20-6130	Engineering services	27,000.00	0.00	95.37	0.35
10-20-6140	Administrative services	15,000.00	1,516.11	3,556.52	23.71
10-20-6150	Contract meter reading	20,000.00	1,203.56	9,730.42	48.65
10-20-6170	Contract lab services	7,000.00	0.00	7,452.89	106.47
10-20-6180	Dues & subscriptions	12,000.00	416.22	22,521.08	187.68
10-20-6190	Other professional & tech svcs	0.00	61.24	13,637.65	0.00
10-20-6220	Electricity	42,000.00	1,882.90	23,139.39	55.09
10-20-6230	Telephone	10,000.00	1,064.94	13,933.54	139.34
10-20-6240	Natural gas	1,300.00	506.78	2,631.70	202.44
10-20-6290	Other utilities	3,500.00	223.22	2,371.32	67.75
10-20-6310	Janitorial services	4,000.00	35.00	14,964.66	374.12
10-20-6320	Buildings & grounds	10,000.00	598.51	2,659.99	26.60
10-20-6330	Vehicle & equipment maint.	24,000.00	4,083.49	15,166.26	63.19
10-20-6340	Distribution system maint	200,000.00	7,070.49	125,452.43	62.73
10-20-6350	Computer maintenance	25,000.00	8,977.64	46,910.69	187.64
10-20-6390	Other repairs & maintenance	57,000.00	4,395.60	14,058.31	24.66
10-20-6410	Mileage	8,000.00	0.00	69.45	0.87
10-20-6420	Staff training	20,000.00	770.00	6,002.41	30.01
10-20-6430	Certifications	800.00	0.00	195.00	24.38

Account Number	Description	Budget	Period Amt	End Bal	% of Budget
10-20-6440	Board travel & training	3,000.00	0.00	669.11	22.30
10-20-6510	Office supplies	15,000.00	1,086.78	8,229.50	54.86
10-20-6520	Fuel & oils	23,000.00	100.00	6,921.66	30.09
10-20-6530	Small tools & equipment	13,000.00	0.00	107.11	0.82
10-20-6540	Safety supplies	12,000.00	623.21	7,840.35	65.34
10-20-6550	Operational Supplies	0.00	0.00	476.38	0.00
10-20-6560	Uniforms	3,500.00	0.00	1,186.53	33.90
10-20-6590	Other supplies	0.00	0.00	393.78	0.00
10-20-6610	Board compensation	700.00	0.00	314.00	44.86
10-20-6710	Purchased water	1,000,000.00	0.00	595,473.65	59.55
10-20-6715	Water quality program	0.00	0.00	109.45	0.00
10-20-6720	Insurance	27,100.00	32,472.26	36,301.61	133.95
10-20-6730	Communications	10,000.00	242.54	529.58	5.30
10-20-6740	Advertising	1,000.00	0.00	0.00	0.00
10-20-6750	Other purchased services	0.00	175.75	12,357.02	0.00
10-20-6760	Equipment Rental	5,000.00	0.00	0.00	0.00
10-20-6770	Bank charges	35,000.00	0.00	13,299.58	38.00
10-20-6780	Taxes & fees	7,500.00	0.00	12,435.55	165.81
10-20-6900	Miscellaneous expense	1,000.00	100.62	894.42	89.44
	<i>Materials &amp; Services</i>	<i>1,692,400.00</i>	<i>76,549.23</i>	<i>1,068,925.42</i>	<i>63.16</i>
	<i>Capital Outlay</i>				
10-20-7200	Infrastructure	250,000.00	0.00	121,670.02	48.67
10-20-7300	Buildings & improvements	0.00	0.00	3,111.46	0.00
10-20-7400	Improvement other than Bldgs	6,000.00	0.00	0.00	0.00
10-20-7510	Furniture & fixtures	0.00	0.00	79.98	0.00
10-20-7520	Equipment	29,000.00	0.00	13,015.00	44.88
10-20-7530	Software	50,000.00	0.00	17,555.30	35.11
10-20-7540	Vehicles	0.00	0.00	334.50	0.00
10-20-7600	Capital Improvement Projects	630,000.00	2,396.45	568,132.00	90.18
	<i>Capital Outlay</i>	<i>965,000.00</i>	<i>2,396.45</i>	<i>723,898.26</i>	<i>75.02</i>
	<b>Drinking Water</b>	<b>4,227,400.00</b>	<b>79,789.70</b>	<b>2,459,074.38</b>	<b>58.17</b>
<b>10</b>	<b>Drinking Water</b>	<b>4,227,400.00</b>	<b>79,789.70</b>	<b>2,459,074.38</b>	<b>58.17</b>
<b>20</b>	<b>Wastewater Reclam.</b>				
	<b>Wastewater-Plant</b>				
	<i>Personnel Services</i>				
20-21-5110	Regular employees	1,200,000.00	0.00	557,083.60	46.42
20-21-5120	Temporary/Seasonal employees	35,000.00	915.03	12,314.34	35.18
20-21-5130	Overtime	62,000.00	0.00	23,116.44	37.28
20-21-5210	Employee Ins-MDVSTDLTDLf	227,000.00	0.00	43,943.79	19.36
20-21-5230	Social Security	91,000.00	0.00	44,427.00	48.82
20-21-5240	Retirement	230,000.00	0.00	81,527.10	35.45
20-21-5250	TrimetWBF	9,000.00	0.00	4,258.04	47.31
20-21-5260	Unemployment	8,500.00	0.00	0.00	0.00
20-21-5270	Workers compensation	12,000.00	0.00	8,373.73	69.78
20-21-5290	Other employee benefits	10,000.00	0.00	942.83	9.43

Account Number	Description	Budget	Period Amt	End Bal	% of Budget
	<i>Personnel Services</i>	1,884,500.00	915.03	775,986.87	41.18
	<i>Materials &amp; Services</i>				
20-21-6110	Legal services	20,000.00	17,318.10	46,038.05	230.19
20-21-6120	Accounting & audit services	5,000.00	0.00	2,008.47	40.17
20-21-6130	Engineering services	27,000.00	0.00	2,857.86	10.58
20-21-6140	Administrative services	10,000.00	1,503.10	1,800.33	18.00
20-21-6150	Contract meter reading	10,000.00	601.78	4,865.22	48.65
20-21-6160	Bond issue costs	0.00	0.00	34,246.00	0.00
20-21-6170	Contract lab services	31,000.00	0.00	13,671.00	44.10
20-21-6180	Dues & subscriptions	12,000.00	369.95	4,056.02	33.80
20-21-6190	Other professional & tech svcs	0.00	66.40	13,569.25	0.00
20-21-6220	Electricity	247,000.00	0.00	110,523.35	44.75
20-21-6230	Telephone	24,000.00	1,357.91	15,305.35	63.77
20-21-6240	Natural gas	4,500.00	0.00	21,894.45	486.54
20-21-6250	Solid waste disposal	109,000.00	0.00	28,130.29	25.81
20-21-6290	Other utilities	2,000.00	242.01	2,858.30	142.92
20-21-6310	Janitorial services	3,000.00	0.00	11,966.04	398.87
20-21-6320	Buildings & grounds maint.	14,000.00	47.34	14,689.60	104.93
20-21-6330	Vehicle & equipment maint.	23,600.00	0.00	12,622.99	53.49
20-21-6342	WRF System maintenance	204,500.00	9,145.84	84,457.26	41.30
20-21-6350	Computer maintenance	83,000.00	1,329.59	59,404.46	71.57
20-21-6390	Other repairs & maintenance	0.00	2,337.53	8,685.13	0.00
20-21-6410	Mileage	2,000.00	0.00	546.48	27.32
20-21-6420	Staff training	16,000.00	35.90	-4,578.01	-28.61
20-21-6430	Certifications	5,000.00	260.00	876.94	17.54
20-21-6440	Board travel & training	3,300.00	0.00	241.30	7.31
20-21-6510	Office supplies	20,000.00	803.21	1,472.07	7.36
20-21-6520	Fuel & oils	30,000.00	3,059.17	14,869.79	49.57
20-21-6530	Small tools & equipment	20,200.00	124.84	1,064.46	5.27
20-21-6540	Safety supplies	5,100.00	514.50	2,886.23	56.59
20-21-6550	Operational Supplies	39,000.00	1,328.93	24,678.45	63.28
20-21-6560	Uniforms	11,000.00	964.36	7,880.55	71.64
20-21-6590	Other supplies	30,000.00	156.05	5,107.76	17.03
20-21-6610	Board compensation	1,000.00	0.00	161.00	16.10
20-21-6720	Insurance	81,100.00	53,574.25	57,725.77	71.18
20-21-6730	Communications	4,500.00	51.53	384.91	8.55
20-21-6750	Other purchased services	11,500.00	211.37	27,150.26	236.09
20-21-6770	Bank charges	20,000.00	0.00	39,782.31	198.91
20-21-6780	Taxes & fees	43,500.00	3,820.20	33,185.06	76.29
20-21-6900	Miscellaneous expense	0.00	109.07	-297.29	0.00
	<i>Materials &amp; Services</i>	1,172,800.00	99,332.93	706,787.46	60.26
	<i>Capital Outlay</i>				
20-21-7300	Buildings & improvements	900,000.00	0.00	5,633.74	0.63
20-21-7520	Equipment	0.00	0.00	46,293.17	0.00
20-21-7530	Software	50,000.00	0.00	19,032.29	38.06
20-21-7540	Vehicles	0.00	0.00	391.90	0.00
20-21-7600	Capital Improvement Projects	575,000.00	42,752.00	54,662.98	9.51

Account Number	Description	Budget	Period Amt	End Bal	% of Budget
	<i>Capital Outlay</i>	1,525,000.00	42,752.00	126,014.08	8.26
	<b>Wastewater-Plant</b>	<b>4,582,300.00</b>	<b>142,999.96</b>	<b>1,608,788.41</b>	<b>35.11</b>
	<b>Wastewater-Collections</b>				
	<i>Personnel Services</i>				
20-22-5110	Regular employees	700,000.00	0.00	408,630.59	58.38
20-22-5120	Temporary/Seasonal employees	17,000.00	372.87	3,899.27	22.94
20-22-5130	Overtime	60,000.00	0.00	5,524.61	9.21
20-22-5210	Employee Ins-MDVSTDLTDLf	137,000.00	0.00	37,882.46	27.65
20-22-5230	Social Security	56,000.00	0.00	31,608.38	56.44
20-22-5240	Retirement	140,000.00	0.00	63,013.93	45.01
20-22-5250	TrimetWBF	5,500.00	0.00	3,134.23	56.99
20-22-5260	Unemployment	5,000.00	0.00	0.00	0.00
20-22-5270	Workers compensation	7,000.00	0.00	6,538.50	93.41
20-22-5290	Other employee benefits	6,000.00	0.00	645.92	10.77
	<i>Personnel Services</i>	1,133,500.00	372.87	560,877.89	49.48
	<i>Materials &amp; Services</i>				
20-22-6110	Legal services	20,000.00	5,778.63	29,411.28	147.06
20-22-6120	Accounting & audit services	5,000.00	0.00	1,958.27	39.17
20-22-6130	Engineering services	27,000.00	0.00	42.14	0.16
20-22-6140	Administrative services	10,000.00	810.34	1,057.17	10.57
20-22-6150	Contract meter reading	10,000.00	601.79	4,865.22	48.65
20-22-6170	Contract lab services	2,000.00	0.00	1,332.00	66.60
20-22-6180	Dues & subscriptions	13,000.00	150.75	1,562.27	12.02
20-22-6190	Other professional & tech svcs	17,600.00	27.06	5,736.68	32.59
20-22-6220	Electricity	7,000.00	174.83	11,887.33	169.82
20-22-6230	Telephone	15,000.00	919.88	12,141.80	80.95
20-22-6240	Natural gas	3,200.00	0.00	2,515.68	78.62
20-22-6290	Other utilities	8,300.00	98.61	7,731.55	93.15
20-22-6310	Janitorial services	3,000.00	0.00	6,431.24	214.37
20-22-6320	Buildings & grounds	4,800.00	19.28	547.86	11.41
20-22-6330	Vehicle & equipment maint.	5,000.00	30.18	3,466.93	69.34
20-22-6342	Collection system maint.	8,200.00	0.00	23,758.55	289.74
20-22-6350	Computer maintenance	35,000.00	541.81	25,513.83	72.90
20-22-6390	Other repairs & maintenance	30,000.00	390.00	15,156.10	50.52
20-22-6410	Mileage	3,000.00	0.00	132.84	4.43
20-22-6420	Staff training	26,000.00	35.90	1,811.40	6.97
20-22-6430	Certifications	500.00	0.00	718.06	143.61
20-22-6440	Board travel & training	3,200.00	0.00	98.34	3.07
20-22-6510	Office supplies	18,500.00	495.59	2,320.09	12.54
20-22-6520	Fuel & oils	7,600.00	257.40	3,420.62	45.01
20-22-6530	Small tools & equipment	22,000.00	0.00	383.05	1.74
20-22-6540	Safety supplies	2,800.00	34.43	1,011.48	36.12
20-22-6550	Operational Supplies	2,100.00	0.00	3,166.83	150.80
20-22-6560	Uniforms	5,700.00	127.35	3,247.40	56.97
20-22-6590	Other supplies	0.00	0.00	41.43	0.00
20-22-6610	Board compensation	500.00	0.00	161.00	32.20



Account Number	Description	Budget	Period Amt	End Bal	% of Budget
20-22-6720	Insurance	388,200.00	14,345.55	16,037.27	4.13
20-22-6730	Communications	4,500.00	88.87	2,746.18	61.03
20-22-6750	Other purchased services	0.00	66.24	8,714.59	0.00
20-22-6770	Bank charges	20,000.00	0.00	6,416.94	32.08
20-22-6780	Taxes & fees	5,500.00	884.18	2,812.11	51.13
20-22-6900	Miscellaneous expense	0.00	44.44	74.01	0.00
	<i>Materials &amp; Services</i>	<i>734,200.00</i>	<i>25,923.11</i>	<i>208,429.54</i>	<i>28.39</i>
	<i>Capital Outlay</i>				
20-22-7300	Buildings & improvements	0.00	0.00	1,374.58	0.00
20-22-7520	Equipment	0.00	0.00	2,548.00	0.00
20-22-7530	Software	0.00	0.00	7,755.56	0.00
20-22-7600	Capital Improvement Projects	0.00	0.00	65.60	0.00
	<i>Capital Outlay</i>	<i>0.00</i>	<i>0.00</i>	<i>11,743.74</i>	<i>0.00</i>
	<b>Wastewater-Collections</b>	<b>1,867,700.00</b>	<b>26,295.98</b>	<b>781,051.17</b>	<b>41.82</b>
<b>20</b>	<b>Wastewater Reclam.</b>	<b>6,450,000.00</b>	<b>169,295.94</b>	<b>2,389,839.58</b>	<b>37.05</b>
<b>30</b>	<b>Watershed Protection</b>				
	<b>Watershed Protection</b>				
	<i>Personnel Services</i>				
30-23-5110	Regular employees	405,000.00	0.00	192,360.08	47.50
30-23-5120	Temporary/Seasonal employees	35,000.00	568.08	7,077.38	20.22
30-23-5130	Overtime	1,000.00	0.00	1,550.84	155.08
30-23-5210	Employee Ins-MDVSTDLTDLf	75,000.00	0.00	15,869.46	21.16
30-23-5230	Social Security	30,000.00	0.00	14,875.86	49.59
30-23-5240	Retirement	3,000.00	0.00	31,041.73	1,034.72
30-23-5250	TrimetWBF	3,000.00	0.00	1,463.81	48.79
30-23-5260	Unemployment	3,000.00	0.00	0.00	0.00
30-23-5270	Workers compensation	4,000.00	0.00	3,398.76	84.97
30-23-5290	Other employee benefits	3,000.00	0.00	328.14	10.94
	<i>Personnel Services</i>	<i>562,000.00</i>	<i>568.08</i>	<i>267,966.06</i>	<i>47.68</i>
	<i>Materials &amp; Services</i>				
30-23-6110	Legal services	20,000.00	5,471.90	22,092.89	110.46
30-23-6120	Accounting & audit services	6,000.00	0.00	1,335.11	22.25
30-23-6130	Engineering services	17,500.00	2,285.59	4,783.18	27.33
30-23-6140	Administrative services	4,000.00	220.93	336.79	8.42
30-23-6170	Contract lab services	15,000.00	0.00	4,213.00	28.09
30-23-6180	Dues & subscriptions	9,000.00	243.12	1,277.21	14.19
30-23-6190	Other professional & tech svcs	0.00	840.74	9,193.41	0.00
30-23-6220	Electricity	2,000.00	0.00	579.53	28.98
30-23-6230	Telephone	11,000.00	425.74	6,233.82	56.67
30-23-6240	Natural gas	1,800.00	0.00	302.22	16.79
30-23-6290	Other utilities	6,000.00	150.26	1,259.31	20.99
30-23-6310	Janitorial services	2,000.00	0.00	4,110.05	205.50
30-23-6320	Buildings & grounds	15,000.00	29.40	2,667.47	17.78
30-23-6330	Vehicle & equipment maint.	6,100.00	0.00	-18.99	-0.31

<b>Account Number</b>	<b>Description</b>	<b>Budget</b>	<b>Period Amt</b>	<b>End Bal</b>	<b>% of Budget</b>
30-23-6340	System maintenance	6,300.00	0.00	6,756.92	107.25
30-23-6350	Computer maintenance	35,900.00	825.46	20,151.63	56.13
30-23-6390	Other repairs & maintenance	25,000.00	0.00	1,504.35	6.02
30-23-6410	Mileage	2,000.00	0.00	202.13	10.11
30-23-6420	Staff training	8,000.00	273.92	1,035.21	12.94
30-23-6430	Certifications	400.00	0.00	0.00	0.00
30-23-6440	Board travel & training	3,300.00	0.00	149.80	4.54
30-23-6510	Office supplies	19,000.00	330.39	1,294.29	6.81
30-23-6520	Fuel & oils	3,100.00	156.85	1,252.43	40.40
30-23-6530	Small tools & equipment	7,500.00	0.00	19.94	0.27
30-23-6540	Safety supplies	2,600.00	52.46	653.55	25.14
30-23-6550	Operational Supplies	6,200.00	0.00	547.27	8.83
30-23-6560	Uniforms	5,250.00	24.24	915.90	17.45
30-23-6590	Other supplies	0.00	0.00	63.12	0.00
30-23-6610	Board compensation	1,000.00	0.00	314.00	31.40
30-23-6720	Insurance	16,800.00	21,855.94	24,433.35	145.44
30-23-6730	Communications	74,000.00	31.99	3,615.44	4.89
30-23-6750	Other purchased services	0.00	61.12	4,986.87	0.00
30-23-6770	Bank charges	16,000.00	0.00	4,322.83	27.02
30-23-6780	Taxes & fees	2,100.00	0.00	0.00	0.00
30-23-6900	Miscellaneous expense	500.00	67.74	112.82	22.56
	<i>Materials &amp; Services</i>	<i>350,350.00</i>	<i>33,347.79</i>	<i>130,696.85</i>	<i>37.30</i>
	<i>Capital Outlay</i>				
30-23-7530	Software	50,000.00	0.00	11,815.85	23.63
30-23-7600	Capital Improvement Projects	1,871,000.00	0.00	64,749.81	3.46
	<i>Capital Outlay</i>	<i>1,921,000.00</i>	<i>0.00</i>	<i>76,565.66</i>	<i>3.99</i>
	<b>Watershed Protection</b>	<b>2,833,350.00</b>	<b>33,915.87</b>	<b>475,228.57</b>	<b>16.77</b>
<b>30</b>	<b>Watershed Protection</b>	<b>2,833,350.00</b>	<b>33,915.87</b>	<b>475,228.57</b>	<b>16.77</b>

## Oak Lodge Water Services

### Account Balances As of:

January 31, 2018

Interest Rate

Account

Wells Fargo Bank Checking	0.00%	\$335,732.10
Wells Fargo Bank Checking	0.00%	\$1,099,242.59
LGIP 5289 Water General	1.62%	\$1,940,520.65
LGIP 5790 Sanitary	1.62%	\$2,244,562.24
LGIP 3968 Sanitary GO Bond Debt Svc	1.62%	\$1,231,976.36
LGIP 3869 Sanitary Debt Svc	1.62%	\$706,746.38
LGIP 5002 Sanitary General	1.62%	\$3,835,232.94
	Total	<u>\$11,394,013.26</u>



## STAFF REPORT

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**To:** Board of Directors  
**From:** Kelly Stacey, Finance Director  
**Agenda Item:** Checks for January 2018  
**Item No.:** 3  
**Date:** February 20, 2017

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### **Background**

Auditors have requested formal approval of checks by the Board of Directors

### **Issue**

The District needs formal authorization of January checks numbered 40521 through 40654, which include accounts payable and payroll checks well as electronic withdrawals totaling \$1,658,544.28. Attached you will find a report showing all checks and electronic withdrawals January 2018 (0 under check number signifies ACH).

### **Recommendations**

It is recommended to the Board that checks numbered 40521 through 40654 and electronic withdrawals be formally approved by the Board.

### **Background**

The District pays expenditures throughout the month.

### **Facts and Findings**

The District auditors require the Board to formally approve monthly payments to conform to Generally Accepted Accounting Principles (GAAP).

### **Attachments**

1. Accela Check by Date January 2018

# Bank Reconciliation

## Checks by Date

User: kelly  
 Printed: 02/12/2018 - 5:16PM  
 Cleared and Not Cleared Checks



Check No	Check Date	Name	Comment	Module	Clear Date	Amount
0	1/3/2018	Openedge		AP		1,391.82
0	1/10/2018	IRS Dept of The Treasury		AP		6,074.78
0	1/11/2018	Wells Fargo Bank		AP		315.84
0	1/12/2018	Oregon Department Of Revenue		AP		8,177.37
0	1/12/2018	IRS Dept of The Treasury		AP		31,731.91
0	1/12/2018	Nationwide Retirement Solutions		AP		2,205.08
0	1/12/2018	VALIC c/o JP Morgan Chase		AP		2,255.00
0	1/12/2018	Oregon Dept of Rev-Garn		AP		618.94
0	1/12/2018	Public Employees		AP		24,492.01
0	1/12/2018		DD 00001.01.2018	PR		68,587.93
40521	1/12/2018	JOHN KROGSTAD		PR		2,062.73
40522	1/12/2018	TIMOTHY SEXTON		PR		889.35
40523	1/12/2018	CLAY YOHN		PR		840.25
40524	1/12/2018	Accela		AP		11,259.00
40525	1/12/2018	Ace Hardware #11075		AP		67.95
40526	1/12/2018	AFLAC		AP		671.51
40527	1/12/2018	AFSCME Council 75		AP		848.77
40528	1/12/2018	American Backflow Services		AP		745.25
40529	1/12/2018	Apex Labs		AP		1,650.00
40530	1/12/2018	Baxter Auto Parts, Inc.		AP		43.68
40531	1/12/2018	BMS Technologies		AP		6,881.68
40532	1/12/2018	Brown & Brown Northwest		AP		2,285.59
40533	1/12/2018	Centro Print Solutions		AP		218.28
40534	1/12/2018	Lara Christensen		AP		127.33
40535	1/12/2018	Cintas Corporation		AP		45.66
40536	1/12/2018	City Of Gladstone		AP		146.67
40537	1/12/2018	City Of Milwaukie		AP		1,374.68
40538	1/12/2018	Clackamas Comm. Federal CU		AP		262.50
40539	1/12/2018	Convergence Networks		AP		9,143.00
40540	1/12/2018	Costco Wholesale		AP		568.50
40541	1/12/2018	Ditch Witch Northwest Exchange		AP		40.80
40542	1/12/2018	Express Employment		AP		360.00
40543	1/12/2018	H.D. Fowler Company		AP		984.16
40544	1/12/2018	Hawkins Delafield & Wood LLP		AP		34,246.00
40545	1/12/2018	Integrated Power Services		AP		1,808.74
40546	1/12/2018	Floyd Knight		AP		366.94
40547	1/12/2018	Madison Biosolids, Inc.		AP		2,619.97
40548	1/12/2018	McFarlane's Bark, Inc.		AP		22.02
40549	1/12/2018	Napa Auto Parts - Store #07078		AP		60.71
40550	1/12/2018	NCCWC		AP		138,563.71
40551	1/12/2018	Net Assets Corporation		AP		425.00
40552	1/12/2018	North Coast Electric Company		AP		2,092.44
40553	1/12/2018	Northwest Natural		AP		821.69
40554	1/12/2018	OAWU		AP		100.00
40555	1/12/2018	Olson Bros. Service, Inc.		AP		1,787.28
40556	1/12/2018	One Call Concepts, Inc.		AP		208.56

Check No	Check Date	Name	Comment	Module	Clear Date	Amount
40557	1/12/2018	Oregon Deq		AP		586,998.00
40558	1/12/2018	Oregon Deq		AP		300.00
40559	1/12/2018	Oregon Deq		AP		300.00
40560	1/12/2018	Oregon Deq		AP		77,788.00
40561	1/12/2018	Oregon Health Authority		AP		200.00
40562	1/12/2018	Oregon Health Authority		AP		305.00
40563	1/12/2018	Oregon Health Authority		AP		140.00
40564	1/12/2018	Owen Equipment		AP		762.01
40565	1/12/2018	Pauly, Rogers And Co., PC		AP		5,130.00
40566	1/12/2018	PlanB Consultancy		AP		8,950.00
40567	1/12/2018	Portland Engineering Inc		AP		120.00
40568	1/12/2018	Portland General Electric		AP		26,409.23
40569	1/12/2018	PR Diamond Products Inc		AP		12.00
40570	1/12/2018	Pumptech Inc.		AP		2,548.00
40571	1/12/2018	Relay Resources		AP		2,475.86
40572	1/12/2018	Schoolyard Farms		AP		1,050.00
40573	1/12/2018	Total Building Maintenance		AP		375.00
40574	1/12/2018	Tyler Technologies, Inc.		AP		2,809.00
40575	1/12/2018	Unifirst Corporation		AP		782.93
40576	1/12/2018	US Bank Equipment Finance		AP		220.00
40577	1/12/2018	Verizon Wireless		AP		1,114.95
40578	1/12/2018	Waste Management Of Oregon		AP		4,113.56
40579	1/12/2018	Water Environment Services		AP		139.05
40580	1/12/2018	Western Exterminator Company		AP		85.91
40581	1/12/2018	Xerox Corporation		AP		22.92
40582	1/12/2018	Xylem Water Solutions USA Inc		AP		13,331.20
40583	1/17/2018	KS Statebank		AP		62,387.67
0	1/31/2018	Oregon Dept of Rev-Garn		AP		561.60
0	1/31/2018	Nationwide Retirement Solutions		AP		2,205.08
0	1/31/2018	IRS Dept of The Treasury		AP		30,121.93
0	1/31/2018	VALIC c/o JP Morgan Chase		AP		2,255.00
0	1/31/2018	Public Employees		AP		25,319.48
0	1/31/2018	Oregon Department Of Revenue		AP		8,528.51
0	1/31/2018		DD 00002.01.2018	PR		73,352.88
40584	1/31/2018	JOHN KROGSTAD		PR		2,120.74
40585	1/31/2018	TIMOTHY SEXTON		PR		1,325.35
40586	1/31/2018	CLAY YOHN		PR		771.27
0	2/1/2018	Pitney Bowes, Inc.		AP		1,055.51
40587	2/1/2018	Ace Hardware #11075		AP		236.18
40588	2/1/2018	AFLAC		AP		671.51
40589	2/1/2018	AFSCME Council 75		AP		835.79
40590	2/1/2018	American Backflow Services		AP		4,395.60
40591	2/1/2018	Answernet		AP		195.92
40592	2/1/2018	Applied Industrial Technologies		AP		194.10
40593	2/1/2018	AT&T		AP		108.20
40594	2/1/2018	Bachman Paving Company		AP		3,894.00
40595	2/1/2018	Bay Valve Service LLC		AP		6,170.00
40596	2/1/2018	Brown And Caldwell		AP		2,285.59
40597	2/1/2018	BTL NW		AP		158.03
40598	2/1/2018	Bullard Law		AP		23,148.50
40599	2/1/2018	Cable Huston Benedict Et Al		AP		13,512.50
40600	2/1/2018	Cascade Print Source		AP		84.95
40601	2/1/2018	Century Link		AP		1,456.02
40602	2/1/2018	Cessco, Inc		AP		87.65
40603	2/1/2018	Cintas Corporation		AP		249.33
40604	2/1/2018	Cintas Corporation - 463		AP		167.30

Check No	Check Date	Name	Comment	Module	Clear Date	Amount
40605	2/1/2018	City Of Gladstone		AP		4,704.38
40606	2/1/2018	Clackamas Comm. Federal CU		AP		262.50
40607	2/1/2018	Clackamas Landscape		AP		445.95
40608	2/1/2018	Coastal Farm & Home Supply		AP		107.97
40609	2/1/2018	Convergence Networks		AP		3,812.80
40610	2/1/2018	CTX-Xerox		AP		799.77
40611	2/1/2018	Curt Rardin Signs		AP		2,700.00
40612	2/1/2018	Daily Journal Of Commerce		AP		195.00
40613	2/1/2018	Dr. Lance F. Harris D.C.		AP		270.00
40614	2/1/2018	Express Employment		AP		2,700.00
40615	2/1/2018	Field Instruments & Controls		AP		2,364.24
40616	2/1/2018	Grainger, Inc.		AP		766.93
40617	2/1/2018	Peter Green		AP		846.51
40618	2/1/2018	H.D. Fowler Company		AP		1,929.90
40619	2/1/2018	J Holding LLC		AP		5,165.00
40620	2/1/2018	J. Thayer Company		AP		103.22
40621	2/1/2018	Kaiser Permanente		AP		28,808.54
40622	2/1/2018	Law Office Of Eileen Eakins, LLC		AP		850.00
40623	2/1/2018	McClure and Sons, Inc		AP		42,752.00
40624	2/1/2018	McFarlane's Bark, Inc.		AP		10.00
40625	2/1/2018	David Mendenhall		AP		260.00
40626	2/1/2018	Metereaders, LLC		AP		2,407.13
40627	2/1/2018	Modern Machinery Inc.		AP		634.69
40628	2/1/2018	NACWA		AP		750.00
40629	2/1/2018	Napa Auto Parts - Store #07078		AP		87.77
40630	2/1/2018	Northstar Chemical, Inc.		AP		562.00
40631	2/1/2018	Northwest Natural		AP		506.78
40632	2/1/2018	OCCMA		AP		341.64
40633	2/1/2018	Olson Bros. Service, Inc.		AP		615.75
40634	2/1/2018	Oregon Health Authority		AP		390.00
40635	2/1/2018	Kelly Stacey Petty Cash Custodian		AP		289.88
40636	2/1/2018	PlanB Consultancy		AP		4,850.00
40637	2/1/2018	Portland General Electric		AP		2,057.73
40638	2/1/2018	Portland General Electric		AP		283.29
40639	2/1/2018	Red Bark Inc		AP		390.00
40640	2/1/2018	Relay Resources		AP		290.48
40641	2/1/2018	RH2 Engineering, Inc.		AP		2,396.45
40642	2/1/2018	Ricoh Americas Corporation		AP		209.69
40643	2/1/2018	Roy T. Duncan		AP		39.41
40644	2/1/2018	Santana Crane, Inc		AP		417.50
40645	2/1/2018	SDIS		AP		156,946.98
40646	2/1/2018	Dave Seifert		AP		211.05
40647	2/1/2018	Timothy Sexton		AP		176.55
40648	2/1/2018	The Oregonian		AP		152.06
40649	2/1/2018	Traver's Cleaning Service Inc.		AP		35.00
40650	2/1/2018	Tyler Technologies, Inc.		AP		1,096.27
40651	2/1/2018	Unifirst Corporation		AP		1,255.65
40652	2/1/2018	Verizon Wireless		AP		1,671.93
40653	2/1/2018	Water Environment Services		AP		139.05
40654	2/1/2018	Wonderware Pac West		AP		4,654.95

Total Check Count:

152

Check No	Check Date	Name	Comment	Module	Clear Date	Amount
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Total Check Amount:

1,658,544.28



**OAK LODGE**  
WATER SERVICES  
**STAFF REPORT**

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**To:** Board of Directors  
**From:** Jason Rice, District Engineer  
**Agenda Item:** Second Reading of OLWSD Rules and Regulations  
**Item No.:** 4  
**Date:** February 20, 2018

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**Action Requested**

Staff requests the Board conduct the second Public Hearing for the Adoption of the District Rules and Regulations and then adopt the Rules and Regulations via Ordinance 18-01.

**History**

November 21, 2017

The proposed Oak Lodge Water Services District Rules and Regulations (attachment 1) were discussed with the Board. Specific areas of focus were around:

1. Ownership of sanitary sewer laterals in the Right-of-Way
  - Discussion was continued to a later date.
2. Recreational Vehicles (RV's) and Accessory Dwelling Units (ADU's) System Development Charges (SDC's) Equivalent Dwelling Units (EDU's) for Sanitary
  - Proposed language of 1 unit per RV or ADU was accepted
3. Utility Billing Low Income Program
  - Proposed language was accepted; however, the program's success would be analyzed each year as it was approved via the Budget

December 5, 2017

A conversation with the Board continued around Ownership of sanitary sewer laterals in the Right-of-Way and concluded with the Board's direction to maintain ownership of laterals in the Right-of-Way just as the Sanitary District had done so in the past. As a part of this decision, lateral replacements schedules were also discussed. Currently, the District is replacing approximately 15 laterals per year.

However, that number is expected to rise over the next 30 years. Staff will monitor the replacement schedule and anticipate the District's need in the Capital Improvement Plan.

January 16, 2018

At its regularly scheduled January Board Meeting, the District read the Proposed District Rules and Regulations during a Public Hearing. During that Public hearing, a question was posed as to how base penalties (Minor, Moderate and Major) were established.

Staff has since added the following language (Attachment 1 - page 90) to clarify this matter:

1. Determine the class of violation and the magnitude of violation.
  - (a) For each civil penalty assessed, the magnitude is moderate unless:
  - (b) The magnitude of the violation is major if the District finds that the violation had a significant adverse impact on human health or the environment. In making this finding, the District will consider all reasonably available information.
  - (c) The magnitude of the violation is minor if the District finds that the violation had no more than a de minimis adverse impact on human health or the environment and posed no more than a de minimis threat to human health or other environmental receptors. In making this finding, the District will consider all reasonably available information.

### **Background**

As the Oak Lodge Sanitary District and the Oak Lodge Water District began consolidating, it was identified that a new combined set of Rules and Regulations would be needed. At this time, the District employed a temporary Project Manager, Greg Jones, a former employee of the City of Portland to head this project up. Greg coordinated staff meetings between various departments to get a draft ready for Legal Review by Cable Huston.

The goals of the Rules and Regulations were to enable the District to:

- apply standardized practices across all three utilities
- enforce State and Federal permits
- process day-to-day activities (such as billing) in a consistent manner

- document large scale policy

The Board may notice that most of what exists within the proposed Rules and Regulations (attachment 1) is a blend of the two former Districts' Rules and Regulations. The few changes that did occur are where the two former Districts varied from one another.

Ideally, this document would be revisited by staff and the Board every 4-5 years to ensure current practices match the document text. However, since this District is still developing many of its policies and procedures, it is expected the first full review could happen as early as one year from the original adoption.

### **Concurrence**

- Changes from both Administrative and Operations Departmental Staff were incorporated into this document.
- Staff has received and incorporated comments from Legal Counsel.
- Adopting the ordinance requires two public readings with the associated public hearings.

### **Suggested Board Motion**

*"I move that the Board conduct the second reading of Ordinance 18-01 by title only and conduct a public hearing."*

### **After the Public Hearing:**

*"I move to read Ordinance 18-01 in title only."*

*"I move to approve Ordinance 18-01."*

### **Attachments**

1. Proposed District Rules and Regulations
2. Ordinance 18-01 – Adopting the OLWSD Rules and Regulations after the Second Reading

**Oak Lodge Water Services District**  
**Rules and Regulations**  
**February 15, 2018**

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## PREFACE

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The Oak Lodge Water Services District (OLWSD) is a municipal corporation organized and operating under Chapters 198, 264 and Chapter 450 of the Oregon Revised Statutes. The purpose of OLWSD is to supply its Users with sanitary sewage conveyance and treatment, watershed protection/surface water quality management, and domestic water supply. Water is also supplied, furnished and may be sold over and above the needs of its Users to any persons, corporations, or associations, either within or outside the District, or to other communities, water districts, or municipal corporations. The District also provides sanitary sewer services and treatment to its Users and to any persons, corporations, or associations, either within or outside the District, or to other communities, special districts, or municipal corporations.

OLWSD is governed by the authority vested in a Board of five Directors residing within OLWSD boundaries and elected by voters. Regular monthly meetings are held by the Board of Directors. The Board meetings are open to the public.

No provision of these District Rules and Regulations is intended to limit or alter any power granted to the District by state law, and this document should be interpreted to allow the District to exercise that authority to its fullest extent. At the time of adoption, these District Rules and Regulations contain references to other Local, State and Federal regulations or documents. In the event changes to those regulations or documents necessitate a change to these District Rules and Regulations, the District will amend this document.

## DEFINITIONS

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**Accessory Dwelling Unit (ADU)** means a secondary, subordinate dwelling unit as defined by Clackamas County, or the Oregon State Building Code whichever is prevailing. OLWSD defers to Clackamas County the determination of a structure or space to be an ADU.

**Attorney** means the OLWSD's Attorney.

**Best Management Practices (BMP)** means schedules of activities, prohibitions of practices, maintenance procedures and other management practices.

**Board** means Board of Directors for the District, acting as the governing body for the Oak Lodge Water Services District.

**Clean Water Act (CWA or the Act)** means the Federal Water Pollution Control Act, also known as the Clean Water Act,

**Compliance** means Meeting the requirements, standards and other obligations provided for in the District's Rules and Regulations, permits, contracts, orders or other authorities.

**Confidential Information** means information and data on a discharger including products used, industrial processes or methods of production which the discharger can demonstrate, to the satisfaction of the General Manager, constitute trade secrets. Effluent constituents and characteristics shall not be considered confidential information.

**Connection** means the sections of any service line located on private property extending continuously to the Main and capable of conveying water, sewage or stormwater.

**Connection Charges** means the current service installation charge and meter installation charge as adopted by the Board.

**Development** means any human induced change to improved or unimproved real estate, including but not limited to construction, installation, expansion of a building site or other structure; land division; drilling, site alteration such that as that due to land surface mining, dredging clearing, grading, excavation, filling, construction of earthen berms, paving or improvements for use as parking or storage.

**District** means the Oak Lodge Water Services District, or OLWSD. The District is a municipal corporation whose purpose is to regulate, control and supervise sanitary conditions as well as providing domestic water supply within the District. The District also furnishes, maintains and operates sanitary facilities and water supply facilities.

**District Engineer** means the lead Engineer for the District, acting either directly or through authorized representatives. The District Engineer is a registered professional engineer licensed to practice in the State of Oregon.

**District Standards** means the latest revision of the District's Design and Construction Standards.

**Documented Violation** means any violation which the District or other government agency verified through observation, investigation or data collection.

**Easement** means the right to use a defined area of property for specific purpose or purposes as set forth in the specifications.

**Enforcement** means any documented action taken to address a violation of these Rules and Regulations, or any other applicable law.

**Fats, Oils and Grease (FOG)** means any substance that turns or may turn viscous or solidify with a change in temperature or other conditions.

**Federal Categorical Pretreatment Standards** means any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with General Pretreatment Regulations for Existing and New Sources of Pollution of the Clean Water Act which applies to a specific category of industrial discharger.

**Fire Service Line** includes, but is not limited to, valves, backflow prevention assemblies, special water meters, pipes, and other devices installed solely for service to the standby connection dedicated for fire service only. The Fire Service Line shall be owned and maintained by the owner.

**Flagrant** means any documented violation where the respondent had actual knowledge of the law, standard, or other legal requirement and consciously took or omitted to take an action that resulted in the violation without regard to the consequences of such act or failure to act.

**Food Service Establishment (FSE)** means facilities maintained, used, or operated for storing, preparing, serving, manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members, residents, students or employees, and which has any process or device that uses or produces FOG, or grease, vapors, steam, fumes, smoke or odors

**Formal Enforcement** means an administrative action signed by the General Manager or designee which is issued to a respondent on the basis that a violation has been documented, requires the respondent to take specific action within a specified time frame and states consequences for continued non-compliance.

**Garbage** means solid waste from the preparation, cooking, and dispensing of food; the handling, storage and sale of produce; and from the packaging and canning of food. This definition also includes the disposal of pharmaceutical products.

**Grease Interceptor** means a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept nonpetroleum fats, oil, and greases (FOG) from a wastewater discharge.

**Improvement** means all phases of work to be performed under a Contract for a Local Improvement District and synonymous with the terms "project" or "work."

**Indirect Discharge or Discharge** means the introduction of pollutants into the Publicly Owned Treatment Works from any non-domestic source regulated under the Act. The discharge into the Publicly Owned Treatment Works is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances.

**Industrial Wastes** means any liquid, gaseous, or water born wastes or combination thereof resulting from any process of business, industry, manufacturing, trade, or recovery of any natural resources, except garbage.

**Inspector** means the authorized representative of the District Engineer whose authority, instructions, and decisions shall be limited to the duties and responsibilities entrusted to them in making detailed inspections of any or all portions of the permitted or contracted work or materials

**Interference** means any discharge which alone or in conjunction with discharges from other sources inhibits or disrupts the wastewater treatment system, its treatment processes or operations, or its sludge processes, use or disposal and/or causes a violation of the District's NPDES discharge permit requirements or prevents or constrains normal practices for use and disposal of sludge.

**Intentional** means any documented violation where the respondent voluntarily took or omitted to take an action, and knew or should have known that taking or omitting to take action would be a "violation."

**Main** means the pipe in the street, alley, right of way, or easement, owned and maintained by the District.

**Magnitude of Violation** means the extent of a violator's deviation from the District's statutes, rules, permits or orders considering such factors as, but not limited to, pollutant or concentration, turbidity, volume, duration, toxicity, or proximity to human or environmental receptors. Deviations shall be classified as major, moderate or minor.

**Mean High Water Line** the jurisdictional limit of the Corps of Engineers under the Rivers and Harbors Act.

**Non-contact Cooling Water** means Water discharged from any system of heat transfer, condensation, air conditioning, refrigeration, or other sources to which no pollutant is added other than heat.

**Non-irrigation Season** means the period beginning October 15 and ending March 15th or the water meter reading cycle dates of the User's potable water service provider most nearly corresponding to the October 15th through March 15th time period.

**Notice** means a written communication delivered, by hand or by mail, to the authorized individual, member of the firm, or officer of the corporation for which it is intended. If delivered or sent by mail it shall be addressed to the last known business address of the individual, firm, or corporation. In the case of a contract with two or more persons, firms, or corporations, notice to one shall be deemed notice to all.

**Ordinary High-Water Mark** as defined in the Shoreline Management Act (SMA) is a biological vegetation mark that can be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years,

**Owner** means the fee title owner of the property that receives services from the District.

**Pass Through** means a discharge which exits the Publicly Owned Treatment Works without benefit of treatment or with inadequate treatment.

**Permit** means any authorization required pursuant to this or any other regulation of the District for connection and/or discharge to the sanitary sewer system.

**Permittee** means any individual, partnership, firm, association, corporation or public agency applying for or receiving a permit.

**Plans** means construction plans, including system plans, water plans, sewer plans and profiles, cross section, detailed drawings, originals, or reproductions approved or to be approved by the District, which show the location, character, dimensions and details for the work to be done.

**Premises** means any building, structure, improvement or parcel of land that may now, or at some time, receive water or sewer service from the District.

**Pretreatment** means the application of physical, chemical, and/or biological processes to reduce the amount of pollutants, and/or alter the nature of the pollutant properties in wastewater prior to discharging such wastewater into the public sanitary sewer system.



**Pretreatment Standard** means prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

**Prior Significant Action** means any violation proven pursuant to a contested case hearing or established with or without admission of a violation by payment of a civil penalty.

**Prohibited Discharges** means that no person shall discharge or cause to be discharged, in any manner into the public sanitary sewer system any material, substances, or wastes listed under the General Discharge Prohibitions section of these Rules and Regulations.

**Public Sewer** means a sewer owned and operated by the District, or other local public agency, which is tributary to the District's sewer facilities.

**Right-of-Way** means a public easement for utilities and access.

**Rates, Fees, and Other Charges** means the current rates, fees and charges including permit fees, and system development charges as adopted by the Board.

**Receiving Waters or Receiving Stream** means the natural water course or body of water to which the District's wastewater treatment plant discharges.

**Reimbursement Fee** means the cost associated with capital improvements constructed or under construction on the effective date of these Rules and Regulations.

**Respondent** means the person to whom a formal enforcement action is issued.

**Rules and Regulations** means these rules and regulations as adopted by Ordinance by the Board.

**Sanitary Sewer Lateral** means the portion of pipe connecting private property structures to the main sewer system. The District accepts ownership of the lateral in the ROW and within public easements.

**Sanitary Sewer Overflow (SSO)** means the discharge of partially treated or untreated sewage to waters of the state.

**Service Charge** means the periodic charges levied on all Users of the District's water and sewerage systems for operation and maintenance of the system, and debt service as established by the District.

**Service Class** means groups of Users based on the type of sanitary sewer usage.

**Service Connection (Sewer)** means (for purposes of determining fees), a service connection is established when the side sewer lateral crosses from public property (Right of Way, or public easement) into Private Property.

**Service Connection Point (Sewer)** means the point of connection between the Building Sewer and Sewer Lateral.

**Service Line (Water)** means the pipe and any associated fittings from the water main to, and including the meter, and meter box.

**Sewage** means the liquid and water born wastes derived from the ordinary living processes free from industrial wastes and of such character as to permit satisfactory disposal without special treatment into the District sewerage system.

**Sewer Lateral** means the portions of the public sewer line which has the primary purpose of serving adjacent property. The sewer laterals are located within public right of way or easements and connect sewer between the private property line or the boundary of an easement and the receiving line.

**Significant Industrial User** means:

1. A User subject to categorical pretreatment standards; or
2. A User that:
  - a. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - b. Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
3. Upon a finding that a User meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement the District may at any time, on its own initiative or in response to a petition received from a User [and in accordance with procedures in 40 CFR 403.8(f)(6)] determine that such User should not be considered a significant industrial User.

**Sludge** means any solid, semi-solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.

**Slug Load or Slug Discharge** means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards as defined in these Rules and Regulations. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

**Suspended Solids** means solids that either float on the surface or are in suspension in liquids and which are removable by laboratory filtering in accordance with procedures set forth in latest edition of the "Standard Methods for the Examination of Water and Wastewater".

**System** means all or any part of the water and sewer system owned by the District, including without limitation all service lines, meters, structures, facilities and appurtenances.

**Systematic** means any documented violation which occurs on a regular basis.

**Systems Development Charge (SDC)** means a reimbursement fee assessed or collected at the time of connection to the water or sanitary sewer system. It shall also include that portion of a water or sanitary sewer connection charge that is greater than the amount necessary to reimburse the District for its average cost of inspecting and installing connections with the water and sanitary sewer system. Systems Development Charge does not include:

1. any fees assessed or collected as part of a local improvement district;
2. any charges in lieu of a local improvement district or assessment; or
3. the cost of complying with requirements or conditions imposed upon a land use decision.

**Trunk Sewer** means any public sewer sized and located to serve general topographical areas and lateral sewers (normally twelve (12) inches in diameter or larger). Trunk sewers are located within public rights-of-way or easements.

**User** means any person who receives or contributes flow to or from the publicly maintained system.

**User's System** means those parts of the facilities beyond the termination of the District's system that are utilized in conveying water to the point of use, including the customer service line and fire service line, and or the building sewer lateral from the point of use to the service connection point at the property line.

**Utility** means tracks, overhead or underground wires, pipelines, conduits, ducts, or structures, owned, operated or maintained in or across a public right-of-way or easement.

**Vault** means an enclosure used to protect meters, valves, or similar devices.

**Violation** means a transgression of any federal, state or District rule, regulation, permit, order or other authority or any part thereof and includes both acts and omissions. Violations shall be classified as Class I, Class II, or Class III.

**Waste** means sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.

**Wastewater** means the liquid and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter a public sewer.

**Water Billing Unit** means 100 cubic feet (CCF) of water which is equal to 748 gallons.

**Water Meter** means a device for recording the quantity of water to a water service.

## ABBREVIATIONS

The following abbreviations shall have the designated meanings:

<u>ASPP</u>	Accidental Spill Prevention Plan
<u>ADU</u>	Accessory Dwelling Unit
<u>BOD</u>	Biochemical Oxygen Demand
<u>CCSD#1</u>	Clackamas County Service District #1
<u>CFR</u>	Code of Federal Regulations
<u>EDU</u>	Equivalent Dwelling Unit
<u>EPA</u>	U.S. Environmental Protection Agency
<u>GRD</u>	Grease Removal Device
<u>l</u>	liter
<u>LEL</u>	Lower Explosive Limit
<u>mg</u>	milligrams
<u>mg/l</u>	milligrams per liter
<u>NPDES</u>	National Pollutant Discharge Elimination System
<u>OLWSD</u>	Oak Lodge Water Services District
<u>OPSC</u>	Oregon Plumbing Specialty Code
<u>O&amp;M</u>	Operation and Maintenance
<u>PFU</u>	Plumbing Fixture Unit
<u>POTW</u>	Publicly Owned Treatment Works
<u>SIC</u>	Standard Industrial Classifications
<u>SIU</u>	Significant Industrial User
<u>TSS</u>	Total Suspended Solids
<u>USC</u>	United States Code

## § 1 OVERVIEW

- § 1.1. Purpose. These rules and regulations establish the conditions by which the District will conduct its business and operations, and how customers may receive service.
- § 1.2. District Ownership.
- § 1.2.1. The District owns the District's Systems unless otherwise agreed to in writing.
  - § 1.2.2. No person other than those authorized by the District shall construct, maintain, operate, repair, or alter the District's System. No person other than those authorized by the District shall make a service connection or disconnect an existing service connection.
  - § 1.2.3. At all times Owners, Customers, and Users shall provide the District with safe, reasonable and efficient access to the District's System.
  - § 1.2.4. None of the properties of the District may be disposed of without approval of the Board.
- § 1.3. Statutory Authority. The District has the authority under ORS Chapters 264 and 450 to make and enforce necessary regulations within District's boundaries. The District exercises this authority through its governing body, the Board of Directors of the District. The Board will act at its discretion and in a manner consistent with the intent and purposes of ORS Chapters 264 and 450, and any other applicable law.
- § 1.4. Delegation and Administration. The Board delegates to the General Manager all duties necessary for the day-to-day operation of the District. The General Manager, or other authorized designee or representative, shall be the administrator of these Rules and Regulations.
- § 1.5. Jurisdiction. The District maintains jurisdiction of all activities associated with the System, surface water quality, and watershed protection. The System is operated only by authorized employees and agents of the District.
- § 1.6. Facilities Owned by Others. Clackamas County Department of Transportation and Development (CCDTD), Oregon Department of Transportation (ODOT), and other public and private entities own surface water conveyance facilities within the District's jurisdictional boundary. Unless otherwise agreed by the District, the District does not control or maintain these facilities associated with private roads, county roads, and state highways.
- § 1.7. Use of Water. The District will, as far as reasonable and practicable, and within its financial means, provide adequate sources of water supply, including necessary and primary feeder mains, storage facilities, and other improvements, to make water service generally available to all areas within the District. The Board may prescribe limitation on the use of water, as to hours, purpose, or manner from time to time. The resale of water purchased from the District by a customer will be permitted only by special written contract with the District specifying the appropriate conditions

therefore. The District will not be obligated to furnish or install system facilities for all properties and premises within the District.

## **§ 2 CONTRACT FOR SERVICE**

- § 2.1. Contract for Service. By applying for or receiving any service from the District, an Owner or User is entering a contract for such services and agrees to comply with these Rules and Regulations.
- § 2.2. Connection to The Water And Sanitary Sewer System. Any connection to the water, sanitary sewer, or storm sewer system must be requested by the Owner, at Owner's expense, to connect directly with the proper public utility in accordance with the provisions of these Rules and Regulations. Such request shall be made through a complete application to connect to water, sanitary or storm sewer system. A completed application results in a permit upon payment of all fees, and submittal of all required documents. No person may materially increase the flow, the strength or the character of the sewage or stormwater, or add any fixtures not covered by the original application, without first obtaining a permit from OLWSD and paying all required fees and charges as may be fixed by the Board.
- § 2.3. Individual Contracts. Whenever the applicant or User's requirements for service are unusual, large, or subject to great fluctuation or variation, the District may require a special contract, and may require reasonable security satisfactory to the District, sufficient to protect the District against loss and to guarantee performance under the terms thereof. Water for swimming pools, tanks reservoirs, and like facilities will be considered under this section, and will be dependent upon sufficient water supply, and service for normal residential use. All special contracts will be in writing, signed by the Owner or User and the District.
- § 2.4. Changes to Rules and Regulations. All District rules, regulations, rates and charges are subject to change or modification by the Board and will be adopted by ordinance.
- § 2.5. Responsibility of the District.
- § 2.5.1. The District will maintain and repair, to the extent practical and reasonable, all parts of the Systems.
- § 2.5.2. The District will not be liable for any damages or injuries caused by termination or interruption of service, reduction of water supply, variations in water pressure, or quality of water. District Owners and Users are encouraged to equip their personal water systems with backflow devices and pressure regulators to prevent damage in the event of service interruptions or pressure changes within the System.
- § 2.6. Leakage within premises and related damages.
- § 2.6.1. The District will not be liable for any damage or injury caused by leaking or the running of water or sewage on the premises from pipelines, plumbing

fixtures, open faucets, valves, fixtures or hoses located beyond the Right-of-Way or service meters (typically found at the edge of the Right-of-Way).

- (1) One exception to this rule would be in the case that it can be proven that the District caused sewage to be pushed into the private sewer lateral as a result of regular maintenance.
- (b) The District will not be liable for any damage or injury caused by the malfunction, improper maintenance, or improper installation of a User's system.
- (c) Water service to any premises known or found to have such defects and hazards will be disconnected and not restored until such defects and hazards have been eliminated.
- (d) No person other than an employee of the District may operate any District-owned equipment or infrastructure.

§ 2.7. Responsibility of Owner or User.

§ 2.7.1. The Owner or User is responsible for compliance with all local, state and federal laws and requirements related to maintenance of their property and plumbing system.

§ 2.7.2. The Owner or User is responsible for all damage or injury resulting from the failure to properly construct, maintain, repair, or correct conditions in the Owner's or User's system.

§ 2.7.3. The Owner shall be liable for any damage to the System which is caused by an act of the User, their tenants, agents, employees, contractors, licensees, or permittees. The Owner may be fined and/or have service terminated in response to such damage.

§ 2.8. District Operation of System. Only the District may operate, modify, or alter the Districts Systems. Violators shall be responsible for any damage or adverse effects.

§ 2.9. Inspection. The District, through its authorized employees, shall have the right, at reasonable times and upon presentation of proper credentials, to enter any building, structure, or premises to ensure compliance with these Rules and Regulations, investigate complaints, or perform any other duty required by law.

§ 2.10. Water Supply. The Board has the right in cases of inadequate water supply to determine how water from the system may be used, and may establish regulations limiting water use. The Board may give preference to those uses determined to be in the best interests of the public health, well-being or necessity, or provided by law, and will give highest priority to household use, not including irrigation of lawns or fields.

## **§ 3 RATES, FEES AND OTHER CHARGES**

§ 3.1. Establishment of Rates and Fees. The District shall establish Rates, Fees, and other Charges (Fee Schedule) for use of water, sanitary sewer services, watershed protection, permitting, and property of the District by Resolution. A copy of the established Rate Schedule shall be found on the District's Website and on file in the District office for examination by the public during business hours. The Fee Schedule of the District presently in effect, as of the date of the adoption of these revised Rules and Regulations, will remain in full force and effect until revised by the District.

§ 3.2. Water Rates, Fees and Other Charges.

§ 3.2.1. Fee Schedule.

§ 3.2.1.1. The District's Fee Schedule for water furnished and services rendered will apply within and without the District. The Fee Schedule will be reviewed and amended from time to time as required. Rates charged may be fixed and classified according to the type of use and according to the amount of water used.

§ 3.2.1.2. The Fee Schedule will include charges for the installation of service pipe and meters from the water Main to the property line and various other materials furnished by the District for such projects.

§ 3.2.1.3. In the event a particular service is not specified in the Fee Schedule, a rate may be established upon request by the District Board.

§ 3.2.2. System Development Charge (SDC) For Water Connection.

§ 3.2.2.1. The District will impose a SDC for water system connections associated with new or increased development. The SDC shall apply to each application for a new meter and shall be due and payable at the time of application. The SDC imposed is separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development, including other SDCs charged by the District.

§ 3.2.2.2. The SDC is a charge for service to be rendered or a service hookup charge and shall be established by the Board through a duly adopted resolution. The General Manager or his/her designee shall not allow connection for increased usage of the system until the SDC has been paid in full. Installment



payments of SDC fees may be arranged pursuant to Section 3.9 of these Rules and Regulations.

§ 3.2.2.3. The existing system development charge reimbursement fees in effect upon adoption of these revised Rules and Regulations will remain in effect but may be modified by District resolution following public hearing.

### § 3.3. Sanitary Sewer Rates, Fees, And Other Charges.

§ 3.3.1. Charges for the discharge or availability for discharge of sewage into the sanitary sewer system shall be established annually and shall include: (i) a base rate fixed charge for each calendar month, for each unit; (ii) a consumption-based variable charge for each one hundred (100) cubic feet of water consumption as measured during the previous non-irrigation season. The measured water consumption for the previous non-irrigation period shall form the basis for calculating the monthly sanitary sewer bill for each account for the succeeding twelve (12) month period beginning on July 1. Said calculation shall be performed annually to determine sanitary sewer service charge rates for each account.

#### § 3.3.2. System Development Charge (SDC) For Sewer Connection.

§ 3.3.2.1. The District will impose a SDC for sanitary sewer system connections associated with new or increased development. There will be one SDC for each EDU as defined in Section 3.6 and Table 3.6. These charges shall be due and payable at the time of permit issuance for the increased improvements or new development. The SDC imposed is separate from and in addition to any applicable tax, assessment, charge, fee in lieu of assessment, or fee otherwise provided by law or imposed as a condition of development.

§ 3.3.2.2. The SDC is a charge for service to be rendered or a service hookup charge and shall be established by the Board of Directors through a duly adopted resolution. The General Manager or his/her designee shall not issue a permit or allow connection for increased usage of the system until the SDC has been paid in full. Installment payments of SDC fees may be arranged pursuant to Section 3.9 of these Rules and Regulations.

§ 3.4. Sanitary Sewer Change of Class of Service. When a parcel of property that is connected to the District's sanitary sewer system undergoes development or redevelopment that changes the number of equivalent dwelling units (EDUs), the following shall occur:

- § 3.4.1. If the change results in a greater number of EDUs, an additional system development charge shall be levied at the time of such change. The additional charge shall be equal to the net increase of EDUs times the current system development charge by EDU.
- § 3.4.2. If the change results in fewer EDUs pursuant to Table 3.6, there shall be no additional charge, and no rebate. Any previously issued EDUs not being used or billed by the new Class of Service shall be automatically released to the public sanitary sewer system capacity. The property or account will be billed at the reduced number of EDUs to determine the base rate service charges. The Customer has the option to retain any number of the unused EDUs. All unused EDUs are billed pursuant to these Rules and Regulations. Only EDUs purchased through respective System Development Charges may be retained.
- § 3.5. Unoccupied Structures or Units. The District may charge for services for unoccupied structures or units according to these Rules and Regulations. Connection to the sanitary sewer system is a continuing request for service by the Customer or Use, therefore charges will cease only when water service is discontinued, or the property's sanitary sewer is physically disconnected from the System in accordance with these Rules and Regulations. Watershed protection management fees may continue to be billed regardless of the status of water service or condition of the sanitary sewer connection.
- § 3.6. Equivalent Dwelling Unit (EDU) Count Methodology. The District determines EDU counts using one of the three methods described below:
- § 3.6.1. Dwelling Unit Method: This method determines the EDU count based on the number of dwelling units proposed in the development.
- § 3.6.2. Plumbing Fixture Unit Method: This method determines the EDU count by dividing the number of plumbing fixture units (PFU) by the occupancy equivalency factor proposed in the development. EDUs will always be rounded up to the nearest whole number.
- § 3.6.2.1. Fixture Types. PFUs for given plumbing fixture types will be as shown in the Oregon Plumbing Specialty Code at the time of the permit application. PFU's are categorized generally in the Oregon Plumbing Specialty Code and are consolidated into the Table below:

<b>Fixture Type</b>	<b>Equivalency Factor</b>
Bathroom or combination bath/shower	2.0
Clothes Washer	3.0
Dental unit or cuspidor	1.0
Dishwasher	2.0
Drinking Fountain or water cooler (per head)	0.5
Floor Drain (Emergency)	0.0
Shower, single head trap	2.0
Multi-head, each additional head	1.0
Lavatory, single	1.0
Lavatory, in sets of 2 or 3	2.0
Sink, bar	1.0
Sink, clinical	6.0
Sink, commercial, with food waste	3.0
Sink, general, specific purpose	2.0
Kitchen Sink, domestic	2.0
Laundry Sink	2.0
Service or Mop Basin	2.0
Wash each set of faucets	2.0
Urinal	2.0
Water closet low flow (<1.6 GPF), private	3.0
Water closet standard (>1.6 GPF), private	4.0
Other (use PFU values from Oregon Plumbing Specialty Code)	1.0-4.0

§ 3.6.2.2. Fixture Equivalencies for Use Classes. Conversion ratios are set by the District and reflect a City of Portland assessment of sanitary water usage per PFU, by business type.

<b>Occupancy</b>	<b>Number of PFU's per EDU</b>
Fire Station	16.0
Automotive Retailers	16.0
Repair Services	16.0
Education/Cultural	16.0
Churches/Clubs/Organizations	16.0
Rental/Storage Services	16.0
Construction Trade Services	16.0
Retail Sales & Businesses without food service	12.0
Public Use Facilities	12.0
Food Service	12.0
Beauty and Barber Salons	12.0
Clothing and Dry Good Stores	12.0
Warehouses Used for Storage	12.0
Commercial Kitchen, Catering, Cafeteria	7.0
Food Service, Fast Food	7.0

§ 3.6.2.3. Mixed Use. For mixed residential/nonresidential uses, the EDUs will be determined by applying 1 EDU per dwelling unit for the residential portion and according to fixture counts for the nonresidential portion.

§ 3.6.3. The District may, at its discretion, make the determination as to which method shall be used to determine the EDU Count for non-residential uses.

§ 3.6.4. Table 3.6 further describes the methodology for EDU Counts for the purposes of determining SDC's and monthly service charges.

§ 3.6.5.

**TABLE 3.6 (Service Type Charge Equivalency)**

Use I.D.	Type of Service	System Development Charge Equivalency	Monthly Sewer Service Charge Equivalency
1	Single Family Dwelling	1	1
2	Recreation Vehicle Hookup	1	1
3	Accessory Dwelling Unit	1	1
4	Multi Family Dwelling	1 per dwelling unit	1 per dwelling unit
5	Mobile Home Parks	1 per mobile home space	1 per mobile home space
6	Group Homes, Adult Care & Residential Care Facilities	1 per every 3 person capacity*	1 per every 3 person capacity*
7	Day Care Facilities	1 per 10 person capacity*	1 per every 10 person capacity*
8	Motels	1 per motel unit	1 per motel unit
9	Elementary Schools	1 per 32.5 students*	1 per 32.5 students*
10	High Schools/ Junior High Schools	1 per 12.5 students*	1 per 12.5 students*
11	Hospitals	1 per 2.5 beds*	1 per 2.5 beds*
12	Churches	1 unit	1 unit
13	Offices	1 per 1500 square feet*	1 per 1500 square feet*
14	Gas Station	2	2
15	Auto or Equipment Repair	1	1
16	Restaurants, Taverns and Bars	1 per 10 seating spaces*	1 per 10 seating spaces*
17	Temporary Dwellings**	1	1
18	Laundry Facilities	1 per washing machine	1 per washing machine
19	Beauty Shops, Hair Salons 1 unit per 4 shampoo bowls	1 per 4 shampoo bowls*	1 per 4 shampoo bowls*
20	Commercial, Industrial, and all other buildings and establishments	See Section 3.6	

*	Fractions will be rounded up to the nearest whole number of SDC's and monthly billing units. Example: 5 shampoo bowls equals 2 SDC payments and 2 units of billing each month.
**	Temporary dwellings shall pay the regular connection charge at the time of connection to the system. If the temporary structure is disconnected prior to the expiration of the permit's three (3)-year term, a prorated refund based on the number of months remaining in the three-year term, less inspection fees, will be granted upon request. Such request must be made within ninety (90) days of disconnection.

§ 3.7. Watershed Protection Rates, Fees and Other Charges. A monthly watershed protection and management charge shall be paid by the Customer or User, calculated as follows:

§ 3.7.1. Monthly charges are based on the size and location of a Customer or User's site, as follows:

§ 3.7.1.1. An Equivalent Service Unit (ESU) is used as the base unit of measure in the District's rate structure. An ESU is currently 2,500 square feet, which represents the average amount of impervious surface on a single-family residence site within the District Boundary. The number of ESUs for a site are calculated by dividing the total impervious area on the site by 2,500 square feet. Single-family residential Customers or Users are presumed to have one ESU.

§ 3.7.1.2. Each site's ESUs are multiplied by the watershed protection management service area charge listed in the Fee Schedule to determine the monthly fee for watershed protection.

§ 3.7.1.3. The service area charges are set annually in the Fee Schedule based on revenue requirements needed to meet planned workloads.

§ 3.7.2. Watershed Protection Facility Maintenance Surcharge. The District may add a surcharge to the monthly watershed protection charge for Customers or Users who operate and maintain private detention of water quality facilities. The cost of such surcharge will be determined by the District's actual cost to provide services related to these facilities, and by an equitable distribution of the cost to affected property owners. The surcharge will be established by an agreement between the District and the affected property owners, which will be a recorded deed restriction on the property.

§ 3.7.3. Watershed Protection System Development Charge. The District may, at a future date and pursuant to ORS 223.297 et seq., adopt system development charges for watershed protection to fund capital improvements such as additional system capacity and/or the installation, construction, and extension of the stormwater system. These charges shall be due and payable at the time a Customer or User is permitted to increase usage of the stormwater system. The SDC's are separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development, including other SDCs charged by the District.

§ 3.8. Commencement of Monthly Service Charges.

§ 3.8.1. For new connections, monthly service charges shall commence on the date that water service is first provided.

§ 3.8.2. For existing connections changing water service class as described in Table 3.6, monthly service charges shall commence upon the date the District authorizes the change in service class. Charges occur regardless of occupancy, completion, or other status of the property, unless disconnected. Charges may be pro-rated as follows:

§ 3.8.2.1. For single unit accounts the service charges may be pro-rated to the nearest one-half month in which the connection is approved.

§ 3.8.2.2. For multiple unit accounts the service charges may be pro-rated to the nearest week in which the connection is approved.

§ 3.9. Installment Payment for SDCs

§ 3.9.1. The District may approve payment of SDCs in twenty (20) semi-annual installments secured by a lien on the property upon which the new or increased development is to occur, or to which connection is to occur, including interest on the unpaid balance.

§ 3.9.2. The District shall provide application forms for installment payments, which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors.

§ 3.9.3. The District reserves the right to reject any application for installments payments.

§ 3.9.4. Requirements and procedures for installment payments of the SDC shall be in accordance with the following:

(a) A person requesting installment payments shall demonstrate the person's authority to allow imposition of a lien on the property and that the person's interest in the property is adequate to secure payment of the lien.

(b) Any eligible person requesting the installment plan shall at the time of the application for connection submit to the District an installment application on a form provided by the District.

(c) The applicant, at the time of application and at applicant's expense, shall order a preliminary title report for the property that would be subject to the lien from a title insurance company doing business in Clackamas County, Oregon, and provide it to the District.

- (d) The applicant, at applicant's expense, shall furnish the District with a current statement of amount due to each lien holder disclosed by the preliminary title report, the tax assessor's statement of true cash value, and, for property proposed for improvement, an *MAI* appraisal (Member Appraisal Institute), certified by the appraiser, as to the estimated fair market value upon completion of the proposed improvement. The applicant shall answer such questions as the District deems proper regarding the applicant's ability to make the installment payments, as well as any other lien holder. The applicant also authorizes the District to contact other lien holders regarding applicant's payment history.
- (e) The District will examine the title report for the property and other information, to determine whether:
  - (1) The total unpaid amount of all liens disclosed, together with the amount of the system development charge sought to be paid by installments, does not exceed (1) the appraised value of the property as determined by the current appraisal of the County Assessor or (2) if the District elects, based upon the appraisal or other evidence of value acceptable to the District, the amount does not exceed the estimated fair market value of the property; and
  - (2) The District, in its discretion, upon review of the applicant's ability to make payments as required under the proposed mortgage or trust deed and other debt obligations and the status of applicant's title to the property, consents to execution of the mortgage or trust deed; then
- (f) After District is satisfied with the title report for the property, the applicant shall execute an installment promissory note, payable to the District in the form prescribed by the District for payment in installments not to exceed twenty (20) equal semi-annual installments due January 1 and July 1 of each year, together with interest on the deferred principal balance at the rate of interest established in the District's Fee Schedule. The promissory note shall be secured by a mortgage or trust deed to the property. The cost of recording, preparation of security documents, title company report, and filing fees shall be borne by the applicant in addition to the connection charge. The applicant, by electing to pay in installments, agrees that as an additional remedy to recovery upon the promissory note and foreclosure of the mortgage or trust deed or remedy in lieu thereof, the District may after ten (10) days' notice of delinquent installments cause termination of service to the defaulting property.

§ 3.9.5. If the District determines that the amount of SDC, together with all unpaid liens, exceeds the appraised value of the property or that the applicant cannot execute a mortgage or trust deed which will be a valid lien or if the



District believes that it will not have adequate security, or that the applicant cannot make the required payments, it shall so advise the applicant and installment payments shall not be accepted.

§ 3.9.6. The District shall docket the lien in the lien docket. From that time, the District shall have a lien upon the described parcel for the amount of the SDC, together with interest on the unpaid balance at the rate established by the District. The lien shall be enforceable in the manner provided in ORS Chapter 223, and shall be superior to all other liens pursuant to ORS 223.230.

## **§ 4 BILLING, PAYMENT & TERMINATION**

- § 4.1. Due Date; Delinquent Accounts. All charges for water and sewer services and watershed protection will be due and payable on the date of billing or as specified herein, and become delinquent if unpaid as of the 15<sup>th</sup> of the billing month. Water and sewer services may be discontinued when a billing delinquency exists according to Oregon law and these Rules and Regulations. All delinquent payments will be charged a monthly fee established in the Rate Schedule, from the date of delinquency until paid.
- § 4.2. Payments. All payments shall be made to the Oak Lodge Water Services District by automatic electronic payment, check, or credit/debit card, delivered by mail or in person at the office of the District, or other places the Board may designate.
- § 4.3. Account Setup. All accounts and/or requests for services are established and maintained in the name of the property owner.
- § 4.4. Property Owner Responsible. Connection to the water system and/or sanitary sewer system is a continuing request for service by the User, but the property's Owner is responsible for payment of all charges. The District will not recognize any attempt to transfer responsibility.
- § 4.5. Billing Address. Billing statements are mailed to the property owner, with a courtesy copy mailed to the service location, if the Owner does not reside at the service address. If the property owner does not provide the District with an address for mailing of bills, the District may use the mailing address for tax statements shown on the records of the County Assessor and/or County Tax Collector.
- § 4.6. Notices for Non-Owner Occupied Properties. The District will make all reasonable efforts to provide the property owner and User (landlord and tenant) with copies of all invoices, notices, and other information relating to fees and charges. This policy is intended to comply with ORS 91.255 and to provide notices to enable the landlord and tenant a reasonable opportunity within the time set by the District to avoid delinquent charges and discontinuance of service.
- § 4.7. Collection of Charges.

- § 4.7.1. All District invoices or bills for fees and charges shall be sent to the Owner at the address in the District's records.
- § 4.7.2. The District may enter into a payment plan in its sole discretion to avoid hardship to the User if there is a dispute between landlord and tenant regarding the District's fees and charges.
- § 4.7.3. The District may deny or terminate service to a delinquent Owner or User at a new service location within the District based upon the outstanding fees and charges at a previous service location.
- § 4.7.4. The General Manager or their designee may enter into agreements regarding payment of delinquent fees and charges as are reasonable and necessary to obtain payment to the District and avoid hardship and inequities.
- § 4.7.5. Failure to make payment when due shall give the District the right to undertake such collection action as it deems appropriate under the circumstances including, but not limited to, letters, telephone calls (reasonable as to time and place), and legal proceedings.
- § 4.8. Termination of Water Service by the District.
- § 4.8.1. Water service shall be subject to termination upon the occurrence of:
- (a) Non-payment of charges established within the District's Fee Schedule.
  - (b) Non-compliance with these Rules and Regulations relating to matters other than non-payment of charges.
  - (c) Lack of use of water service for a period indicating intent to terminate water service.
  - (d) Threat to health, safety or welfare determined at the sole discretion of the District. Under these circumstances, termination may be immediate and without notice.
- § 4.8.2. Notice of the District's intent to terminate service shall be sufficient if given by any of the following:
- (a) U.S. mail sent to the property owner's address as shown in District records and to the User at the service address, or
  - (b) By hand delivery of a notice to the property owner and to the User

When the notice is sent by mail, the notice shall be deemed complete upon deposit in the mail. The period for compliance shall be as set forth in the notice. When notice is hand delivered, the notice shall be deemed complete when delivered to the property owner's address and the period of compliance shall be as set forth in the notice.

§ 4.8.3. In all instances where a water service has been turned off because of a delinquent account or charges, the District will make a service charge for the restoration and discontinuance of water service, according to the current District Fee Schedule.

§ 4.8.4. Water service that has been terminated or disconnected for lack of payment for bills due the District will not be restored until all past due bills and other charges are paid in full.

§ 4.8.5. The failure of the District to discontinue water service for any reason, including nonpayment of service charges due, will not relieve the property owner or the User from the obligation and duty to pay for all said service furnished, whether the property owner or User, does, or does not, have knowledge of the delinquencies for water use or charges.

#### § 4.9. Termination of Sewer Service Connection

§ 4.9.1. Sewer service shall be subject to termination upon the occurrence of:

- (a) Non-payment of charges established within the District's Fee Schedule.
- (b) Non-compliance with these Rules and Regulations relating to matters other than non-payment of charges.
- (c) Failure to cease discharging prohibited substances into the District sewerage system after notice from the District.
- (d) Failure to install flow sampling or measuring devices after being notified by the District to do so.
- (e) Threat to health, safety or welfare determined at the sole discretion of the District. Under these circumstances, termination may be immediate and without notice.

§ 4.9.2. The District will include the expense of such discontinuance as well as the expense of restoring service as part of the delinquent charges.

§ 4.9.3. Sanitary sewer service billing shall discontinue once the water meter is locked out by District Staff.

§ 4.9.4. Upon ten (10) days written notice, the District may undertake whatever steps are necessary to mitigate or terminate User's impact upon the District's or other public systems. The charges therefore shall be owed by Owner to the District. The notice period for this may be shortened if there is an imminent threat to human health, the environment, or the System. Any costs incurred by the District to cease or mitigate the User's impact its systems shall be charged according to the District's Fee Schedule.

§ 4.10. Attorney Fees & Costs. In any action or suit to collect any delinquent User charges, the District shall be entitled to its reasonable attorney's fees, costs and disbursements as may be awarded by the trial court, including any appeal.

§ 4.11. Temporary Discontinuance or Restrictions Of Service.

§ 4.11.1. Temporary Discontinuance.

§ 4.11.1.1. A property owner or User may have the water and/or sewer service to the premises temporarily or indefinitely terminated by giving the District written notice as far in advance of the effective termination date as possible. Such property owner or User will, upon giving notice, pay all charges for services rendered to the date of such termination. Where water and/or sewer service has been discontinued at the request of a property owner or User, such service may be restored upon the request of that property owner or User.

§ 4.11.1.2. If, at the property owner or User's request, a service is shut off and turned on more than once in a thirty-day period, the District may charge for such services, as established in the Fee Schedule.

§ 4.11.1.3. The District, in complying with a property owner's or User's request to discontinue service, will under no circumstances, be responsible to the property owner or User, or any other party, for any damages resulting from such action, including civil damages.

§ 4.11.2. Restrictions on Service.

§ 4.11.2.1. If the District determines that conditions require the restriction or prohibition of use of water to protect the health, safety, or welfare of customers/Users, the Board shall establish a schedule of use restrictions and prohibitions. The schedule shall indicate the uses prohibited or restricted and the period or periods of prohibited and/or restricted use.

§ 4.11.2.2. Whenever the household supply of water within the District is being jeopardized by non-household use of water, the District may order the non-household use of water to be immediately discontinued. Non-household water includes irrigation of lawns, gardens, or fields.

§ 4.12. Low Income Rate Relief.

§ 4.12.1. Charges for water and sanitary sewer service and the watershed protection fee may be reduced for customers who qualify under the District's low-income rate relief policy contained in the Board Rules. The service charge fee reduction shall be equivalent to one-half of the established base rate.

- § 4.12.2. Rate reductions for qualified applicants shall begin on the first full month following approval of the application and will remain in effect for 12 months, or until the applicant no longer qualifies, whichever comes first. No rate relief will be provided for partial months irrespective of eligibility. The District will not retroactively adjust charges.
- § 4.12.3. Applicants for low income rate relief must meet eligibility requirements established by the District and make application on forms approved by the District. The District has established a maximum subsidy for this program.
- § 4.12.4. Applicants must be current on all accounts within the District to be eligible for rate relief. The applicant's property must be occupied and used by the applicant as their principal residence during the period for which rate relief is applied. The applicant's family, of which the applicant is a member shall not exceed the gross annual household income levels as defined by the United States Housing and Urban Development (HUD) Department as "very low income" for the Portland-Vancouver area, most recent version. The applicant must provide proof of income status (federal or state tax filing from the previous year or other official acceptable documentation acceptable to the District. The applicant may not own property other than that associated with their principal residence for which the application is submitted. The applicant must enter into a contract with the District and comply with all District Rules and Regulations, and meet the administrative rules for this program.
- § 4.12.5. Financing Low Income Rate Relief. Water and sanitary service charges shall be established at a level sufficient to cover revenue losses resulting from District customers qualifying for a reduced rate as authorized by the District. The District shall budget resources sufficient to fund the revenue losses due to the program at a rate of 0.5 percent of budgeted District rate revenue. This budgeted amount shall serve as a cap to the program's cost which will require Board of Director approval to exceed.

#### § 4.13. Leak Adjustments

- § 4.13.1. The District may issue partial credits to Owners or Users for leaks that are repaired in a timely manner. To be eligible for a leak adjustment the Owner or User must repair the leak within thirty (30) days of notification. To obtain the adjustment the Owner or User must submit a completed "Leak Adjustment Request Application" along with receipts and/or invoices associated with the repair. Underground leaks from the back of the meter up to the foundation are eligible for adjustments. Leak adjustments are not granted for leaking faucets, leaking toilets, sprinkler systems or accidental over-watering.
- § 4.13.2. Application for a Leak Adjustment. When a customer has a leak that qualifies for a leak adjustment, a credit is applied to the customer's account for a portion of the excess water that was used. Oak Lodge Water Services

District cannot refund the full amount of the excess water used as the District must cover the costs for the water and the costs to deliver the water to the customer.

§ 4.13.3. Calculating a Leak Adjustment. To determine the adjustment amount, an average of water usage must be calculated. The average is calculated using the last three (3) years water consumption for the same time period as the leak. This amount is considered the User's actual water use and the User is billed for this amount at the current retail rate. The remaining usage shall be calculated as follows:

- (a) The billing shall reflect the North Clackamas County Water Commission wholesale water rate plus associated costs of delivering water to customers.
- (b) The Sanitary Sewer variable charges will be adjusted from the winter average calculation.

§ 4.14. Meter Reading and Billing. The District will read meters at regularly established intervals as determined by the District, and bills will be rendered based upon consumption to the nearest 100 cubic feet of water furnished. The District will bill all meters serving an Owner's premises separately, and will not combine readings, unless such meters are installed in a battery at one location according to the requirements of the District. The District will provide separate meters for each service unit or structure unless otherwise specifically approved in writing by the District.

§ 4.15. Meter Accuracy and Testing. The District's meters comply with the standards established by the American Water Works Association (AWWA) Section C700.

§ 4.15.1. A Owner may request the meter be tested by making a request for such testing to the District:

- (a) If the test shows the water meter registers outside the AWWA standard, the meter shall be repaired or replaced at no cost to the User for a new meter, parts, or labor.
- (b) An adjustment of the volume (water unit) charge may be made if the meter registers in excess of the AWWA standard. Charge adjustments shall be made retroactive for a period not to exceed one year.
- (c) If the test shows that the water meter registers within the AWWA standard, the User shall pay for the test in accordance with District's Rates, Fees, and Charges. The cost for the test shall be billed by the District and the District may charge a User for water delivered, not to exceed four months (two billing cycles) prior to the testing.
- (d) The District may audit, test or replace the meter at any time at the District's discretion.

§ 4.15.2. If a meter cannot be read, or has failed the District may prepare and submit to the owner an estimated bill based upon previous historical use.

§ 4.15.3. District Users, owners, or applicants will be liable for any damages to a meter or other equipment, or to any property owned by the District. Liability of the User or applicant, their tenant, licensee, agent, employee, contractor, or permittee for damages includes, but is not limited to, breaking of seals and locks, tampering with meters, damage to meters, caused by hot water or steam, and to damaged meter boxes, curb stops, meter stops, or other appliances, or attachments. Any damage or charges incurred by the District will be collected by the District in any appropriate manner provided by law.

## **§ 5 PERMITS AND CONNECTIONS**

§ 5.1. Permit Required. A permit or other District approval, and associated fees, are required prior to any work proposed for construction or modification of a service connection, line extension or any other improvement. Failure to acquire permit(s) is a violation of these Rules and Regulations.

§ 5.2. Design and Construction Standards. All permitted work approved by the District shall be governed by the District's Design and Construction Standards. Watershed Protection permits shall use the City of Portland's Stormwater Manual for requirements, drawings and specifications.

§ 5.3. Outside User Service. Service to persons and property outside the boundaries of the District will be at the discretion of the Board. The District may only provide water to outside Users if it has sufficient surplus water beyond its requirements within the District boundaries and such service, if provided, may be discontinued any time if the interests and needs of the District so require. Any such service installation shall be required to meet and abide by all Rules and Regulations of the District.

§ 5.4. Utility Main Extension & Pro Rata Cost Refund. When the District requires a person to pay for extension of a Main to provide service to the person's property, and the Main extension makes service available for other property, the person paying for the Main extension is entitled to a pro rata refund the cost of such Main extension for a period of ten years. The pro rata refund will apply after the date of the installation of, payment for, and connection to the Main extension. The amount to be refunded will be determined by the District, which determination will be final. The pro rata refund will be based upon total front footage of all property abutting on the street, road, or right of way within which the Main extension was made and that are benefited by the Main extension.

## **§ 6 WATER SERVICE CONNECTIONS**

§ 6.1. Individual Service Required. Each dwelling, building, or premises must have its own water service connection and meter. No person will furnish water to any other building, property, or premises without first obtaining written approval of the District.

These connections will be governed by the specific terms and conditions of the District's authorization.

§ 6.2. Spider Connections Prohibited. The District does permit "spider connections" which would provide service from one road or street to premises abutting, or dwellings fronting, another road or street. The District requires each property to have a separate service connection, and no occupant of such dwelling will furnish water to any other dwelling or premise.

§ 6.3. Meters.

§ 6.3.1. Meters will be set at property lines, and the service pipe from the Main to the meter, as well the meter and the meter box, will be the property of the District and not the Owner of the premises, regardless of whether the Owner pays for the installation.

§ 6.3.2. When meters are required to be installed under circumstances that, in the District's opinion, may cause unusual installation or maintenance problems, the District will have the right to require concrete meter vaults or other devices to be installed. The cost of such vaults or other protective devices will be borne by the Owner requesting the service installation

§ 6.4. Pressure Regulation

§ 6.4.1. As far as is reasonably possible, feasible and economical, the District will furnish water at desirable pressures. In locations in which service pressures are higher than needed or desired by Users, a pressure regulator may be installed behind the meter box location at the owner's expense. Such installation will be made according to any applicable legal requirements and will be consistent with District regulations and policy.

§ 6.4.2. Under no circumstances will the District be responsible or liable for any equipment malfunction or other damage caused by the installation of, failure to install, or maintenance of such a device. All such installation and maintenance shall be by the Owner at the Owner's sole expense.

§ 6.4.3. The District will not be responsible for damages, or difficulties experienced because of variations in pressure within the system or service interruptions.

§ 6.5. Connection to Another Water Supply. No private water supply shall be connected to the customer's service line without written consent and approval of the General Manager or their designee.

§ 6.6. Large Service Connections. The Board may require persons requesting large service connections for fire protection or other reasons to pay for an equitable portion of the cost of Main(s) needed to supply the required flow. Each such case will be considered separately on its own merits and the circumstances. The Board may also enter into special service contracts, in which higher minimum charges are established sufficient to cover the cost of the service rendered.



§ 6.7. Service Interruption

§ 6.7.1. From time to time, the District must interrupt water service for maintenance, replacement, or repairs of the District's system. The District will not be responsible for damages caused by such interruptions of water service or fluctuation of pressure.

§ 6.7.2. The District will, whenever feasible to do so, give customers advance notice, whenever it is known that service is to be interrupted. However, failure to give such notice will in no manner cause the District to become liable for loss, or damage included but not limited to bursting of boilers, the breakage of any pipes or fixtures, stoppage or interruptions of water supply, or other damage resulting from the shutting off of water.

§ 6.8. Backflow and Cross Connection.

§ 6.8.1. Water service connections shall be protected against backflow into the District's System as required by the District in its Design and Construction Standards. Service of water may be terminated if a backflow prevention assembly required by the District is not installed, tested and maintained; or if it is found that a backflow prevention assembly has been removed, bypassed; or if an unprotected cross-connection exists. Service will not be restored until such conditions or defects are corrected.

§ 6.8.2. The User shall provide the District access for inspection at all reasonable times to the User's system to determine if an unprotected cross-connection or violation of the District's requirements exists and that compliance requirements are met.

§ 6.9. Backflow Testing

§ 6.9.1. The User or owner of the premises where one or more backflow prevention devices are installed shall cause a test of the device(s) to be performed by an Oregon State Health Division certified tester:

- (a) At the time of installation or prior to water service being turned on, and
- (b) If the device is moved or repaired, immediately thereafter, and
- (c) Annually.

§ 6.9.2. Unless otherwise provided, the owner of a mobile apparatus on which a backflow prevention device assembly or air gap separation is required shall cause a test of the assembly or an inspection of the air gap separation to be performed within the year before use in the District and annually thereafter.

§ 6.9.3. The District may require more frequent testing of backflow prevention assembly devices if the assembly is installed at a facility that poses an extreme health risk or if the device fails.

§ 6.9.4. All completed backflow test reports must be forwarded to the District within thirty (30) days from the date of the test. The following actions may occur, depending on the results of the testing:

- (a) If the test results indicate that the device is working properly, the results shall be entered in the District's records as such.
- (b) If the test results indicate that the device is not working properly, the device must be repaired immediately and retested and the test results forwarded to the District within ten (10) working days from the date of notice.
- (c) If a device fails a test and repair is not immediately possible, the District must be notified immediately of the failure, location of the failed device, and estimated time of repairs.
- (d) If the District has not received the results of a test required to be performed, it may order a test and invoice the cost of the test to the User or owner, or turn the water off to the premises.
- (e) If the User or owner of a backflow device fails to make repairs on a failed backflow device within ten (10) days of a test or notice showing the device is not operating properly, the District may order the repair and retest and invoice the cost of the repair and retest to the User or owner, or the District may turn the water off to the premises.

§ 6.9.5. The District may discontinue the water service of any person who refuses or fails to pay for charges invoiced related to backflow testing or for failure to perform or report test results.

§ 6.9.6. All water meters which are for irrigation purposes will be locked off upon installation and the locks not be removed until the approved backflow device has been installed properly and inspected and approved by the District's Inspector.

§ 6.9.7. If the District does the first annual test of the backflow device on an irrigation connection, the cost shall be borne by the User and shall include the cost of connection and record keeping.

§ 6.10. Installation and Use of Fire Hydrants.

§ 6.10.1. Fire hydrants must be installed by a licensed contractor. The District will establish the size, location, type and method of installation. After installation, the hydrant will become the property of the District. Any application for change in the type, size or location of an existing fire hydrant will likewise

be made to the District, and if such change is approved, the applicant will pay for all costs associated with such change.

§ 6.10.2. Use of fire hydrants is by permit only. Applications for permits are available at the District office. Proof of insurance and cross-connection protection is required for the permits. If granted, the permit must be available for inspection at all times while a hydrant is being utilized. Non-compliance of this rule is a violation subject to fines.

§ 6.11. Automatic Standby Fire Service. The District may provide water for automatic standby fire service connections, upon written application thereof, and upon payment in advance, of the estimated cost of such installation. Before the District will approve such application, the applicant must make adequate provisions to prevent the use of water from such service for any purpose, other than extinguishing fire upon the premises, wherein such standby fire service connection is located. Under no circumstances will such a connection allow a cross-connection with any other District service facility. Charges for standby fire protection service connection will be as stated in the District's Fee Schedule.

## **§ 7 SANITARY SEWER: GENERAL DISCHARGE PROHIBITIONS**

§ 7.1. No person shall discharge or cause or permit to be discharged, directly or indirectly, into any public sewer or tributary sewer thereto, any pollutant or wastewater which will interfere with the operation or performance of the wastewater treatment plant, worker safety, pass through into the receiving waters, or which will cause the effluent of that plant to violate any Federal, State or local standards, laws, or permits, or will interfere with the use or disposal of municipal biosolids; including, but not limited to, these Prohibited Discharges:

- (a) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flash point of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR '261.21;
- (b) Wastewater having a pH lower than 5.5 Standard Unit ("S.U.") or higher than 11.5 S.U., or having any corrosive property capable of causing damage or hazard to structures, equipment or persons. Facilities with continuous monitoring of pH shall not exceed the pH range of 5.5 S.U. to 11.5 S.U. more than a total of 15 minutes on any single day (cumulative duration of all excursions) provided that, at no time shall any discharge of a pH be lower than 5.0 S.U. or at/or above 12.5 S.U.;
- (c) Any solid or viscous substances in quantities or size capable of causing obstruction to the flow of sewers or other interference with the proper operation of the sewage treatment plant;
- (d) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration

which, either singly or by interaction with other pollutants, will cause interference with the POTW;

- (e) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the collection system to exceed 104°F (40°C) unless the District approves alternate temperature limits;
- (f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (h) Trucked or hauled pollutants, except at discharge points designated by District;
- (i) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or health, or to prevent entry into the sewers for maintenance or repair;
- (j) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating District's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life;
- (k) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the General Manager in compliance with applicable State or Federal regulations;
- (l) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically approved by the District;
- (m) Any sludge, screening, or other residue from the pretreatment of industrial wastes or from industrial processes;
- (n) Medical wastes, except as specifically authorized by the District;
- (o) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

- (p) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (q) Any liquid, solids, or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion meter, at the point of discharge into the system (or at any point in the system), be more than five (5%) percent nor any single reading over ten (10%) per cent of the lower explosive limit (LEL) of the meter;
- (r) Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;
- (s) Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits;
- (t) Any wastewater, which in the opinion of the District can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under special agreement by the District (except that no special waiver shall be given from categorical pretreatment standards);
- (u) Any wastewater, which in the opinion of the District can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under special agreement by the District (except that no special waiver shall be given from categorical pretreatment standards);
- (v) Any hazardous wastes as defined in rules published by the State of Oregon or in federal regulations.
- (w) Persistent pesticides and/or pesticides regulated by the Federal Insecticide Rodenticide Act (FIFRA);
- (x) Sewage sludge, except in accordance with the District's NPDES permit, providing that it specifically allows the discharge to surface waters of sewage sludge pollutants;
- (y) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW;

(z) Any septic tank wastes unless otherwise approved by DEQ;

§ 7.2. Prohibition on Discharge of Other Waters. No person shall discharge or provide a connection for discharging or draining into any public sanitary sewer or tributary sewer thereto any stormwater, surface water, groundwater, roof runoff, surface drainage, non-contact cooling water or other unpolluted water, nor the drainage of any swimming pool, catch basin, lake, swamp or pond.

## § 8 INDUSTRIAL WASTE

§ 8.1. Purpose and Policy. These Rules and Regulations set forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the Oak Lodge Water Services District and enables the District to comply with all applicable State and Federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations. The objectives of these Rules and Regulations are:

- (a) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- (b) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- (c) To prevent the introduction of pollutants or contaminants that may cause a violation of any permit issued to the District, including its NPDES permit;
- (d) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- (e) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public; and
- (f) Improve the opportunity to recycle and reclaim wastewater and sludge from the POTW.

§ 8.2. These Rules and Regulations shall apply to all Users of the POTW. These Rules and Regulations authorize the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

§ 8.3. Prohibited Discharge Standards. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference, as defined in Section 7. This applies to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local Pretreatment Standards or Requirements.

- § 8.4. Federal Categorical Pretreatment Standards. National categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471, as promulgated by the Environmental Protection Agency (EPA) pursuant to the Federal Water Pollution Control Act, if more stringent than limitations imposed under these Rules and Regulations, shall be met by all Dischargers into the sewerage system who are subject to such standards.
- § 8.5. State Requirements. State requirements and limitations on discharges to the POTW shall be met by all Users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in these Rules and Regulations or in other applicable ordinances, rules or laws.
- § 8.6. Local Limits. Pollutant limits have been established to protect against pass through and interference. No person shall discharge wastewater containing pollutant levels in excess of the limits described in the Local Limit Schedule. Additional pollutants or more restrictive maximum quantities may be required if the material discharged might cause interference with the operation of the wastewater treatment plant or violation of Federal, State, or local limits, standards or laws.

Local Limit Schedule (Concentration, mg/l):

	<b>Monthly Average/Pollutant</b>	<b>Daily Maximum Shall Not Exceed</b>
<b>Cadmium</b>	0.50	0.25
<b>Chromium, Total</b>	2.77	1.71
<b>Copper</b>	3.14	1.92
<b>Cyanide</b>	0.42	0.23
<b>Lead</b>	0.69	0.43
<b>Nickel</b>	3.98	2.38
<b>Silver</b>	0.43	0.24
<b>Zinc</b>	2.61	1.48
<b>Total Toxic Organics</b>	2.13	n/a

The local limits apply at the point where the wastewater is discharged to the POTW (end of the pipe). All concentrations for metallic substances are for "total" metal unless indicated otherwise. The General Manager or their designee may impose mass limitations in addition to (or in place of) the concentration-based limitations above. Where a User is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply.

§ 8.7. Dilution. No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The General Manager or their designee may impose mass limitations on Users which he/she believes may be using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

§ 8.8. Pretreatment Facilities. Users shall provide necessary wastewater treatment as required to comply with these Rules and Regulations, and shall achieve compliance with all applicable pretreatment standards and requirements set out in these Rules and Regulations within the time limitations specified by the EPA, the State, or the District whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review and shall be acceptable to the District before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the District under the provisions of these Rules and Regulations.

§ 8.9. New Sources.

§ 8.9.1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

§ 8.9.2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section



8.9.1 (b) or (c), above, but otherwise alters, replaces, or adds to existing process or production equipment.

§ 8.9.3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- i. Begun, or caused to begin as part of a continuous on-site construction program
- ii. any placement, assembly, or installation of facilities or equipment; or
- iii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- iv. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

§ 8.10. Deadline for Compliance With Applicable Pretreatment Requirements. Compliance by existing sources covered by Categorical Pretreatment Standards shall be within 3 years of the date the Standard is effective, unless a shorter compliance time is specified in the appropriate Standard.

The District shall establish a final compliance deadline date for any existing User not covered by Categorical Pretreatment Standards or for any categorical User when the local limits for said User are more restrictive than the federal Categorical Pretreatment Standards.

New source and new Users are required to comply with applicable pretreatment standards within the shortest feasible time, not to exceed 90 days from the beginning of discharge. New Sources and new Users shall install, have in operating condition, and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

Any wastewater discharge permit issued to a categorical User shall not contain a compliance date beyond any deadline date established in EPA's Categorical Pretreatment Standards. Any other existing User or a categorical User that must comply with a more stringent local limit which is in non-compliance with any local limits shall be provided with a compliance schedule placed in an industrial wastewater permit to insure compliance within the shortest time feasible.

§ 8.11. Additional Pretreatment Measures. Whenever deemed necessary, the General Manager or their designee may require Users to restrict their discharge during peak

flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of these Rules and Regulations.

§ 8.12. Accidental Spill Prevention Plans (ASPP). The General Manager or their designee may require any User to develop and implement an accidental spill prevention plan (ASPP) or slug control plan. Where deemed necessary by the District facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the User's cost and expense. An accidental spill prevention plan or slug control plan showing facilities and operating procedures to provide this protection shall be submitted to the District for review and approval before implementation. The District shall determine which User is required to develop a plan and require said plan to be submitted within 14 days after notification by the District. Each User shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by the District .and Approval of such plans and operating procedures by the District shall not relieve the User from the responsibility to modify its facility as necessary to meet the requirements of these Rules and Regulations.

§ 8.12.1. ASPP Requirements. Any user required to develop and implement an accidental spill prevention plan shall submit a plan which addresses, at a minimum, the following:

Description of discharge practices, including non-routine batch discharges;

Description of stored chemicals;

Procedures for immediately notifying the POTW of any accidental or slug discharges. Such notification must also be given for any discharge which would violate any of the standards of these Rules and Regulations; and

Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic chemicals (including solvents), and/or measures and equipment for emergency response.

§ 8.13. Notification of Slug or Accidental Discharge. Users shall notify the District Wastewater Treatment Plant immediately after the occurrence of a slug or accidental discharge of substances regulated by these Rules and Regulations. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any affected User shall be liable for any

expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the District on account thereof under state or federal law.

Within five (5) days following an accidental discharge, the User shall submit to the General Manager or their designee a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by these Rules and Regulations or other applicable law.

Signs shall be permanently posted in conspicuous places on the User's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

- § 8.14. Industrial Wastewater Discharge Permit Requirements. No significant industrial User shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from District; the permit must be enforceable and contain all the elements as required by 40 CFR 403.8(f)(1)(iii)(B). Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of these Rules and Regulations and subjects the wastewater discharge permittee to the sanctions set forth in these Rules and Regulations. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.
- § 8.15. Wastewater Discharge Permitting: Existing Significant Industrial User (SIU). Any SIU that was discharging wastewater into the POTW before the effective date of these Rules and Regulations, and wishes to continue discharging in the future shall, within 60 days after notification by the General Manager or their designee, submit a permit application to the District. The SIU shall not cause or allow discharges to the POTW to continue more than 365 days after the effective date of these Rules and Regulations unless a wastewater discharge permit is issued by the District.
- § 8.16. Wastewater Discharge Permitting: New Source and New User. At least 90 days before startup of a new source any new User considered by the District to be an SIU must apply for and obtain a Wastewater Discharge permit. A new source or new User cannot discharge without first receiving a wastewater discharge permit from the District. New sources and new Users shall also be required to include in their application information on the method of pretreatment they intend to use to meet applicable pretreatment standards. New Sources and new Users shall give estimates of the information requested Section 8.18.
- § 8.17. Wastewater Discharge Permitting: Extra Jurisdictional Users. Existing and new sources that are located beyond the District limits (but flow to the District) and that

are required to obtain a wastewater discharge permit shall submit a wastewater discharge permit application.

§ 8.18. Wastewater Discharge Permit Application Contents. All Users required to obtain an industrial wastewater discharge permit must submit, at a minimum, the following information. District shall approve a form to be used as a permit application. Categorical Users submitting the following information shall have complied with 40 CFR § 403.12(b).

§ 8.18.1. Identifying information. The User shall submit the name and address of the facility including the name of the operator and owners;

§ 8.18.2. Permits. The User shall submit a list of all environmental control permits held by or for the facility;

§ 8.18.3. Description of operations. The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User, including a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the POTW; number and type of employees; hours of operation; each product produced by type, amount, process or processes, and rate of production; type and amount of raw materials processed (average and maximum per day) and the time and duration of discharges. This description should also include a schematic process diagram which indicates points of discharge to the POTW from the regulated or manufacturing processes; site plans; floor plans; mechanical and plumbing plans; and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.

§ 8.18.4. Flow Measurement

Categorical Users: The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following: Regulated or manufacturing process streams and other streams as necessary to allow use of the combined waste stream formula.

Non-Categorical Users: The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following: Total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by the Operations Manager. The District may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

§ 8.18.5. Measurements of Pollutants

Categorical Users:

The User shall identify the applicable pretreatment standards for each regulated or manufacturing process. In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by the Categorical Pretreatment Standard or as required by the District of regulated pollutants (including local limits, as appropriate) in the discharge from each regulated or manufacturing process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in this section. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR § 403.6(e) for a categorical User, this adjusted limit along with supporting data shall be submitted as part of the application.

#### Non-Categorical User

The User shall identify the applicable pretreatment standards for its wastewater discharge. In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration in the discharge (or mass where required by the District) of regulated pollutants, as appropriate. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in this section. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph. Where the District developed alternate concentration or mass limits because of dilution, this adjusted limit along with supporting data shall be submitted as part of the application.

§ 8.18.6. Certification. The User shall submit a statement, worded as specified in Section 8.19, which has been reviewed by an authorized representative of the User, and certified by a qualified professional, indicating whether the applicable Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the User to meet the applicable Pretreatment Standards and Requirements.

§ 8.18.7. Compliance Schedule. If additional pretreatment and/or O and M will be required to meet the applicable Pretreatment Standards, the User shall submit the shortest schedule by which the User will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established pursuant to Sections 8.15 or 8.16 of these Rules and Regulations.

1. Where the User's categorical Pretreatment Standard has been modified by a removal allowance (40 CFR § 403.7), the combined waste stream formula (40 CFR § 403.6(e)), and/or a Fundamentally Different Factors

variance (40 CFR § 403.13) at the time the User submits the report required by this paragraph, the information required by 4.03.046 and 4.03.047 shall pertain to the modified limits.

2. If the categorical Pretreatment Standard is modified by a removal allowance (40 CFR '403.7), the combined waste stream formula (40 CFR § 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR § 403.13) after the User submits the report required by 4.03.046 and 4.03.047, then a report containing modified information shall be submitted by the User within 60 days after the new limit is approved.

§ 8.18.8. Other Information. The User shall submit any other information as may be deemed necessary by the General Manager or their designee to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

§ 8.19. Signatory and Certification Requirement. All wastewater discharge permit applications and User reports must be signed by a responsible officer or manager, or sole proprietor or general partner as applicable or duly authorized representative.

§ 8.19.1. Industrial Pretreatment Responsible Officer/Manager. For the purpose of this section, a responsible officer or manager means:

1. a president, vice-president, secretary, or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
2. the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. This authorization must be made in writing by the principal executive officer or ranking elected official and submitted to the Approval Authority prior to or together with the report being submitted of the User and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for

gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

§ 8.19.2. Industrial Pretreatment Duly Authorized Representative. A duly authorized representative is an individual designated by the responsible officer, manager, sole proprietor or general partner in writing. The written authorization must be submitted to the District and specifies either an individual or a position having the responsibility of the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company. If an authorization in this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the District prior to or together with any reports to be signed by an authorized representative.

If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

§ 8.20. Wastewater Discharge Permit Decisions. The General Manager or their designee will evaluate the data furnished by the User and may require additional information. Within 60 days of receipt of a complete wastewater discharge permit application, General Manager or their designee will determine whether to issue a wastewater discharge permit. Upon a determination to issue, the permit shall be issued within 30 days of full evaluation and acceptance of the data furnished. General Manager or their designee may deny any application for a wastewater discharge permit.

§ 8.21. Industrial Wastewater Discharge Permit Contents. Industrial Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the General Manager or their designee to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, prevent violation of the District's NPDES permit, and protect against damage to the POTW.

§ 8.21.1. Required Conditions of Approval. Wastewater discharge permits must contain the following conditions:

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;

2. A statement that the wastewater discharge permit is non-transferable without prior notification to and approval from District and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
3. Applicable pretreatment standards and requirements, including any special State requirements;
4. Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
5. Requirement for immediate notification to the District where self-monitoring results indicate non-compliance;
6. Requirement to report a bypass or upset of a pretreatment facility;
7. Requirement to report immediately to the District all discharges, including slug loadings, that could cause problems to the POTW;
8. Requirement for the SIU who reports non-compliance to repeat the sampling and analysis and submit results to the District within 30 days after becoming aware of the violation.
9. A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule.
10. Requirements to control Slug discharges, if determined by the POTW to be necessary.
11. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards

§ 8.21.2. Optional Conditions of Approval. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;



4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
8. Any special agreements the General Manager or their designee chooses to continue or develop between the District and User;
9. Other conditions as deemed appropriate by the General Manager or their designee to ensure compliance with these Rules and Regulations, and State and Federal laws, rules, and regulations.

§ 8.22. Wastewater Discharge Permit Appeals. Any person, including the User, may petition District to reconsider the terms of a wastewater discharge permit within 120 days of its issuance. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal. If the District fails to act within 30 days after receiving an appeal petition, a petition for appeal will be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Clackamas County Circuit Court.

§ 8.23. Wastewater Discharge Permit Duration. Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the General Manager or their designee. Each wastewater discharge permit will indicate a specific date upon which it will expire.

§ 8.24. Wastewater Discharge Permit Modification or Voluntary Termination. The General Manager or their designee may modify the wastewater discharge permit for good cause including, but not limited to, the following:

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the District's POTW, District personnel, or the receiving waters;
5. Violation of any terms or conditions of the wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report;
7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
8. To correct typographical or other errors in the wastewater discharge permit; or
9. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

§ 8.25. Wastewater Discharge Permit Transfer. Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 60 days advance notice to the General Manager or their designee and the General Manager approves the wastewater discharge permit transfer. The notice to the General Manager or their designee must include a written certification by the new owner and/or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
2. Identifies the specific date on which the transfer is to occur; and
3. Assumes full responsibility for complying with the existing wastewater discharge permit beginning on the date of the transfer.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of facility transfer. Provided that the notice required above occurred and that there were no significant changes to the manufacturing operation or wastewater discharge, the new owner will be considered an existing User and will be covered by the existing limits and requirements in the previous owner's permit.

§ 8.26. Wastewater Discharge Permit Revocation. Wastewater discharge permits may be revoked for, but not limited to, the following reasons:

1. Failure to notify the District of significant changes to the wastewater prior to the changed discharge;

2. Failure to provide prior notification to the District of changed conditions;
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsifying self-monitoring reports;
5. Tampering with monitoring equipment;
6. Refusing to allow the District timely access to the facility premises and records;
7. Failure to meet discharge limitations;
8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permit application
12. Failure to provide advance notice of the transfer of a permitted facility; or
13. If the District has to invoke its emergency provision,
14. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or these Rules and Regulations.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular User are void upon the issuance of a new wastewater discharge permit to that User.

§ 8.27. Wastewater Discharge Permit Reissuance. A User who is required to have a wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application, a minimum of 60 days prior to the expiration of the User's existing wastewater discharge permit. A User whose existing wastewater discharge permit has expired and who has submitted its re-application in the time period specified herein shall be deemed to have an effective wastewater discharge permit until the District issues or denies the new wastewater discharge permit. A User whose existing wastewater discharge permit has expired and who failed to submit its re-application in the time period specified herein will be deemed to be discharging without a wastewater discharge permit.

§ 8.28. Reporting Requirements: Baseline Monitoring Reports. Within either one hundred and eighty (180) days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR '403.6(a)(4) (whichever is later) existing categorical Users currently discharging to or

scheduled to discharge to the POTW, shall be required to submit to the District a report which contains the information listed below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical Users after the promulgation of an applicable categorical standard, shall be required to submit to the District a report which contains the information listed below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

Users described above shall submit the information set forth below for Baseline Monitoring Reports:

1. Identifying Information. The name and address of the facility, including the name of the operator and owner.
2. Environmental Permits. A list of any environmental control permits held by or for the facility.
3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
5. Measurement of Pollutants.
6. The categorical pretreatment standards applicable to each regulated process.
7. The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the District of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be sampled and analyzed in accordance with procedures set out in these Rules and Regulations.
8. Certification. A statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O and M) and/or additional pretreatment, is required to meet the pretreatment standards and requirements.
9. Compliance Schedule. If additional pretreatment and/or O and M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment and/or O and M. The completion date in this schedule

shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in these Rules and Regulations.

10. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with these Rules and Regulations.

§ 8.29. Operational Compliance Report (Initial Compliance Report). After 90 days of operation following the date for final compliance of an existing Significant Industrial User with applicable pretreatment standards and requirements set forth in these Rules and Regulations, in federal categorical standards, or in a wastewater discharge permit, or, in the case of a new source or a new User considered by the District to fit the definition of SIU, within 90 days following commencement of the introduction of wastewater into the POTW, the affected User shall submit to the District a report containing the information outlined in 5.31.

For User's subject to equivalent mass or concentration limits established by the District in accordance with procedures established in 40 CFR '403.6 (c), this report shall contain a reasonable measure of the User's long-term production rate. For all other User's subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

§ 8.30. Biannual Compliance Report. Any User that is required to have an industrial waste discharge permit and performs self-monitoring shall comply with all applicable requirements under 40 CFR 403.12 and submit to the District biannually, during the months of June and December, unless required on other dates or more frequently by the District, a report indicating the nature of the effluent over the previous reporting period. The frequency of monitoring shall be as prescribed within the industrial waste discharge permit. At a minimum, Users shall sample their discharge at least twice per year.

The report shall include a record of the concentrations (and mass if specified in the wastewater discharge permit) of the pollutants listed in the wastewater discharge permit that were measured and a record of all flow measurements (average and maximum) taken at the designated sampling locations and shall also include any additional information required by these Rules and Regulations or the wastewater discharge permit. Production data shall be reported if required by the wastewater discharge permit. Both daily maximum and average concentration (or mass, where required) shall be reported. If a User sampled and analyzed more frequently than what was required by the District or by these Rules and Regulations, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge during the reporting period.

Any User subject to equivalent mass or concentration limits established by the District or by unit production limits specified in the applicable categorical standards shall report production data.

If the District calculated limits to factor out dilution flows or non-regulated flows, the User will be responsible for providing flows from the regulated process flows, dilution flows and non-regulated flows.

Flows shall be reported on the basis of actual measurement, provided, however, that the District may accept reports of average and maximum flows estimated by verifiable techniques if the District determines that an actual measurement is not feasible.

Discharges sampled shall be representative of the User's daily operations and samples shall be taken in accordance with the requirements specified in these Rules and Regulations.

The District may require reporting by Users that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent, or determine any other factor which is related to the operation and maintenance of the sewer system.

The District may require self-monitoring by the User or, if requested by the User, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section. If the District agrees to perform such periodic compliance monitoring, it may charge the User for such monitoring, based upon the costs incurred by the District for the sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the sewer bills. The District is under no obligation to perform periodic compliance monitoring for a User.

§ 8.31. Compliance Schedules for Meeting Applicable Pretreatment Standards. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No increment referred to in this section shall exceed 9 months.

Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the District including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports.

§ 8.32. Notification of Significant Production Changes. Any User operating under a wastewater discharge permit incorporating equivalent mass or concentration limits shall notify the District within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not providing a notice of such anticipated change will be required to comply with the existing limits contained in its wastewater discharge permit.

§ 8.33. Hazardous Waste Notification. Any User that is discharging more than 15 kilograms of hazardous wastes as defined in 40 CFR 261 (listed or characteristic wastes) in a calendar month or any facility discharging any amount of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) is required to provide a one-time notification in writing to OLWSD, to the EPA Region 10 Office of Air, Waste, and Toxics Director, and to the State Department of Environmental Quality. Any existing User exempt from this notification shall comply with the requirements contained herein within 30 days of becoming aware of a discharge of 15 kilograms of hazardous wastes in a calendar month or any discharge of acutely hazardous wastes to the District sewer system.

Such notification shall include:

1. The name of the hazardous waste as set forth in 40 CFR Part 261,
2. The EPA Hazardous waste number; and
3. The type of discharge (continuous, batch, or other).
4. If an industrial User discharges more than 100 kilograms of such waste per calendar month to the sewer system, the notification shall also contain the following information to the extent it is known or readily available to the industrial User:
  - a. an identification of the hazardous constituents contained in the wastes,
  - b. an estimation of the mass and concentration of such constituents in the waste streams discharged during that calendar month, and
  - c. an estimation of the mass of constituents in the waste streams expected to be discharged during the following 12 months.

These notification requirements do not apply to pollutants already reported under the self-monitoring requirements. Whenever the EPA publishes final rules identifying additional hazardous wastes or new characteristics of hazardous waste, a User shall notify the District of the discharge of such a substance within 90 days of the effective date of such regulations. In the case of any notification made under this paragraph, an industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

§ 8.34. Notice of Potential Problems, Including Accidental Spills, Slug Loads. Any User shall notify the District immediately of all discharges that could cause problems to the POTW, including any slug loads. The notification shall include the concentration and volume and corrective action. This initial notification shall be followed by a written summary report within five (5) days of the discharge. Steps being taken to reduce any adverse impact should also be noted during the notification. Any User who discharges a slug load of pollutants shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the District under state or federal law.

§ 8.35. Non-Compliance Reporting. If sampling performed by a user indicates a violation, the User shall notify the District within 24 hours of becoming aware of the violation. Within five (5) days following such discharge, the User shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to these Rules and Regulations. The User shall also repeat the sampling and submit the results of the repeat analysis to the District within 30 days after becoming aware of the violation. Where the Control Authority has performed the sampling and analysis in lieu of the Industrial User, the Control Authority must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:

1. The District performs sampling at the Industrial User at a frequency of at least once per month, or
2. The District performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling.

§ 8.36. Notification of Changed Discharge. All Users shall promptly notify the District in advance of any substantial change in the volume or character of pollutants in their discharge, including significant manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the User has submitted initial notification under 40 CFR 403.12 (p)

§ 8.37. Reports from Un-Permitted Users. All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the District as the General Manager or their designee may require.

§ 8.38. Record Keeping. Users subject to the reporting requirements of these Rules and Regulations shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by these Rules and Regulations and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements.



Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses including documentation associated with Best Management Practices. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or POTW, or where the User has been specifically notified of a longer retention period by the General Manager or their designee.

§ 8.39. Sampling Requirements for Users. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow- proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during the 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory. Composite samples for other parameters unaffected by compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate.

For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District may authorize a lower minimum. For the reports required by 40 CFR 403.12 (e) and (h), the District shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.

Samples shall be taken immediately downstream from pretreatment facilities if such exist, immediately downstream from the regulated or manufacturing process if no pretreatment exists, or at a location determined by the District and specified in the User's wastewater discharge permit. For categorical Users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment, the User shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR '403.6(e) in order to evaluate compliance with the Applicable Categorical Pretreatment Standards. For other SIUs, for which the District has adjusted its local limits to factor out dilution flows, the User shall measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s).

All sample results shall indicate the time, date and place of sampling and methods of analysis and shall certify that the waste stream sampled is representative of normal work cycles and expected pollutant discharges from the User. If a User

sampled and analyzed more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.

- § 8.40. Analytical Requirements. All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.
- § 8.41. District Monitoring of User's Wastewater. The District will follow the same procedures as outlined in Sections 8.42 and 8.43.
- § 8.42. Compliance Monitoring: OLWSD Inspection and Sampling. The District shall have the right to enter the facilities of any User to ascertain whether the purpose of these Rules and Regulations and any wastewater discharge permit or order issued hereunder is being met and whether the User is complying with all requirements thereof. Users shall allow the General Manager, or their designee, ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the General Manager will be permitted to enter without delay for the purposes of performing specific responsibilities.

General Manager or their designee shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the General Manager or their designee and shall not be replaced. The costs of clearing such access shall be borne by the User.

Unreasonable delays in allowing the General Manager or their designee access to the User's premises shall be a violation of these Rules and Regulations.

- § 8.43. Compliance Monitoring Facilities. Each User shall provide and operate at its own expense a monitoring facility to allow inspection, sampling, and flow measurements of each sewer discharge to the District. Each monitoring facility shall be situated on the User's premises, except, where such a location would be impractical or cause undue hardship on the User, the District may concur with the facility being constructed in the public street or sidewalk area, providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. The General Manager or their designee, whenever applicable, may require the construction and maintenance of

sampling facilities at other locations (for example, at the end of a manufacturing line or a wastewater treatment system).

There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, including the sampling and measuring equipment, shall be maintained at all times in a safe and proper operating condition at the expense of the User.

The General Manager or their designee may require the User to install monitoring equipment as necessary. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

§ 8.44. Search Warrants. If the General Manager or their designee has been refused access to a building, structure or property, or any part thereof and is able to demonstrate probable cause to believe that there may be a violation of these Rules and Regulations, or that there is a need to inspect as part of a routine inspection program of the District designed to verify compliance with these Rules and Regulations or any wastewater discharge permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the General Manager or their designee shall seek issuance of a search and/or seizure warrant from the Clackamas County Circuit Court.

Such warrant shall be served at reasonable hours by the General Manager or their designee in the company of a uniformed police officer of Clackamas County.

§ 8.45. Vandalism. No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in these Rules and Regulations.

§ 8.46. Confidential Information. Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from District inspection and sampling activities shall be available to the public without restriction, unless the User specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR '2.302 will not be recognized as confidential information and will be available to the public without restriction.

§ 8.47. Publication Of Users In Significant Non-Compliance. The District shall publish annually, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of the Users which, during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements. For the purposes of this provision, an industrial User is in significant noncompliance if its violation meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken for the same pollutant parameter during a six- (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-(6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the TRC [TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH];
3. Any other discharge violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, longer-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report non-compliance; or
8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

§ 8.48. Administrative Enforcement Remedies – Pretreatment Rules. The following procedures are intended solely for enforcement of the District's pretreatment rules.

- § 8.48.1. Notification of Violation. When the General Manager or their designee finds that a User has violated (or continues to violate) any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the General Manager or their designee may serve upon that User a written Notice of Violation [via certified letter]. Within 14 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the General Manager or their designee. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- § 8.48.2. Consent Orders. The General Manager or their designee may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for non-compliance. Such documents will include specific action to be taken by the User to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this subsection and shall be judicially enforceable. Use of a consent Order shall not be a bar against, or prerequisite for, taking any other action against the User.
- § 8.48.3. Show Cause Hearing. The General Manager or their designee may order via a certified letter a User which has violated or continues to violate any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the General Manager or their designee and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.
- § 8.48.4. Compliance Orders. When the General Manager or their designee finds that a User has violated or continues to violate any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the General Manager or their designee may issue an order to the User responsible for the discharge directing that the User come into compliance within a time

specified in the order. If the User does not come into compliance within the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the non-compliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

§ 8.48.5. Cease and Desist Orders. When the General Manager or their designee finds that a User has violated (or continues to violate) any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the General Manager or their designee may issue an order to the User directing it to cease and desist all such violations and directing the User to immediately comply with all requirements; and take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

§ 8.48.6. Administrative Fines. A. When the General Manager or their designee finds that a User has violated or continues to violate any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the General Manager or their designee may fine such User in an amount not to exceed maximum fine allowed under state law. Such fines shall be assessed on a per violation, per day basis (see Section 11). In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

§ 8.48.7. Emergency Suspensions. The General Manager or their designee may immediately suspend a User's discharge (after informal notice to the User) whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The General Manager or their designee may also immediately suspend a User's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment.

Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately

comply voluntarily with the suspension order, the General Manager or their designee shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The General Manager or their designee shall allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the District that the period of endangerment has passed, unless the termination proceedings in these Rules and Regulations are initiated against the User.

A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the General Manager or their designee prior to the date of any show cause or termination hearing under these Rules and Regulations.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

§ 8.48.8. Termination of Discharge (Non-Emergency). In addition to the Administrative Enforcement provisions in these Rules and Regulations, any User that violates the following conditions is subject to discharge termination:

1. Violation of wastewater discharge permit conditions;
2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
3. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
4. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring or sampling; or
5. Violation of the pretreatment standards of these Rules and Regulations.
6. Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under these Rules and Regulations why the proposed action should not be taken. Exercise of this option by the District shall not be a bar to, or a prerequisite for, taking any other action against the User.

§ 8.49. Judicial Enforcement Remedies.

§ 8.49.1. Injunctive Relief. When the General Manager or their designee finds that a User has violated (or continues to violate) any provision of these Rules and Regulations, a wastewater discharge permit, or order issued

hereunder, or any other pretreatment standard or requirement, the General Manager or their designee may petition the Clackamas County Circuit Court through the District's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by these Rules and Regulations on activities of the User. The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

§ 8.49.2. Civil Penalties. A User which has violated or continues to violate any provision of these Rules and Regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the District for a maximum civil penalty allowed under State law but not less than \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

The General Manager or their designee may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.

In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

§ 8.49.3. Remedies Non-exclusive. The provisions in Section 8.49 of these Rules and Regulations are not exclusive remedies for violations of the District's pretreatment rules. The District reserves the right to take any, all, or any combination of these actions against a non-compliant User. Enforcement in response to pretreatment violations will generally be in accordance with the District's enforcement response plan. However, the District reserves the right to take other action against any User when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any non-compliant User. These actions may be taken concurrently.

§ 8.50. Supplemental Enforcement Action.



§ 8.50.1. Performance Bonds. The General Manager or their designee may decline to issue or reissue a wastewater discharge permit to any User which has failed to comply with any provision of these Rules and Regulations, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement unless such User first files a satisfactory bond, payable to the District, in a sum not to exceed a value determined by the General Manager or their designee to be necessary to achieve consistent compliance.

§ 8.50.2. Liability Insurance. The General Manager or their designee may decline to issue or reissue a wastewater discharge permit to any User which has failed to comply with any provision of these Rules and Regulations, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

§ 8.50.3. Public Nuisances. A violation of any provision of these Rules and Regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager or their designee. Any person(s) creating a public nuisance shall be subject to the provisions of these Rules and Regulations governing such nuisances, including reimbursing the District for any costs incurred in removing, abating, or remedying said nuisance.

§ 8.50.4. Contractor Listing. Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the District. Existing contracts for the sale of goods or services to the District held by a User found to be in significant non-compliance with pretreatment standards or requirements may be terminated at the discretion of the District.

#### § 8.51. Affirmative Defenses to Discharge Violations

§ 8.51.1. Upset. For the purposes of this section,

"upset" means an exceptional incident in which there is unintentional and temporary non-compliance with applicable pretreatment standards because of factors beyond the reasonable control of the User.

An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset shall constitute an affirmative defense to an action brought for non-compliance with applicable pretreatment standards if the requirements of of this section are met.

A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the User can identify the cause(s) of the upset;
2. The facility was at the time being operated in a prudent manner and in compliance with applicable operation and maintenance procedures; and
3. The User has submitted the following information to the District and treatment plant superintendent within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
4. A description of the indirect discharge and cause of non-compliance;
5. The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
6. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with applicable pretreatment standards.

Users shall control production of all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss, or failure of their treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

- § 8.51.2. Prohibited Discharge Standards. A User shall have an affirmative defense to an enforcement action brought against it for non-compliance with the prohibitions in these Rules and Regulations if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either: (a) a local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the pass through or interference; or (b) no local limit exists, but

the discharge did not change substantially in nature or constituents from the User's prior discharge when the District was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

§ 8.52. Bypass. For the purposes of this section,

"Bypass" means the intentional diversion of waste streams from any portion of a User's treatment facility.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

A User may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of this section.

§ 8.52.1. Notice of Bypass. If a User knows in advance of the need for a bypass, it shall submit prior notice to the POTW at least ten (10) days before the date of the bypass, if possible. A User shall submit oral notice to the District of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

§ 8.52.2. Bypass Conditions. Bypass is prohibited, and the District may take an enforcement action against a User unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

The User submitted notices as required under this section.

The General Manager or their designee may approve an anticipated bypass, after considering its adverse effects, if the General Manager or their designee determines that it will meet the three conditions listed in this section.

§ 8.53. Wastewater Pretreatment Fees. The District may adopt reasonable fees, as shown in the District's Fee Schedule for reimbursement of costs of setting up and operating the District's Pretreatment Program which may include:

1. Fees for wastewater discharge permit applications including the cost of processing such applications;
2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by Users;
3. Fees for reviewing and responding to accidental discharge procedures and construction;
4. Fees for filing appeals; and
5. Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by these Rules and Regulations and are separate from all other fees, fines, and penalties chargeable by the District.

## **§ 9 FATS, OILS AND GREASE (FOG) PROGRAM**

§ 9.1. Statement of Policy. The purpose of this chapter is to enhance beneficial public use of Oak Lodge Water Services District's sewer facilities by preventing blockages of sewer lines resulting from discharges of fats, oils and grease (FOG) and other constituents to the sewer facilities. These Rules and Regulations specify appropriate FOG requirements for Food Service Establishments (FSEs) and/or property owners where FSEs are located and supports such entities in implementing a cost-effective FOG abatement program. These Rules and Regulations establish quantity and/or quality standards on all wastewater and/or waste discharges containing FOG as these cause or contribute to the occurrence of sanitary sewer services overflows (SSOs), affect treatment plant operations, and increase publicly owned treatment works costs.

Oak Lodge Water Services District has final authority in determining the compliance status of all FSE/property owners with respect to their discharge of FOG (either vegetable or animal origin) either directly or indirectly into the District's wastewater collection system.

The following regulations reflect requirements of the State and Federal government, and the District's National Pollution Discharge Elimination System (NPDES) permit.

The purpose of the regulations is to set forth uniform requirements for Users of the District's wastewater collection and treatment system to enable the District to comply with all applicable State and Federal laws required by the Federal Water Pollution Control Act, as amended, and by requiring commercial and industrial Users to comply with the General Pretreatment Regulations in 40 CFR Part 403, as amended.

- § 9.2. Applicability and Pretreatment Standards. Food service establishments shall install grease interceptors when deemed necessary by the District for the proper handling of wastewater containing excessive amounts of fat, oil, or grease. These interceptors shall be maintained by the User at their expense in a manner which prevents fat, oil, and grease from being discharged into the District sanitary system. Materials removed from the interceptor must be disposed of at a facility approved to receive such wastes.

The additions of chemicals, enzymes, emulsifying agents, microorganisms, or similar compounds that are intended to decrease the maintenance performed on grease interceptors are prohibited.

- § 9.3. Surface Water Issues. No surface or storm water is allowed in the sanitary sewer system. In no instance shall spilled grease and oils be washed to the storm water drains or landscaped areas. Existing FSE are prohibited from engaging in any wash down activities in any outside area, including but not limited to uncovered garbage or waste oil storage areas. If instances of spilled grease or oil occur in the garbage or waste oil storage area the site will be required to install a roof over the area.

- § 9.4. Right of Access. Persons or premises where wastewater with the potential to contain FOG is created or discharged shall allow District personnel, or their alternate designees, reasonable and safe access to the entire facility in order to carry out inspections or other actions, including but not limited to sampling waste streams, authorized by these Rules and Regulations. It is the FSEs or property owner's responsibility to open all grease removal device (GRD) access points for District inspection activities. No person shall interfere with, delay or refuse entrance to such personnel attempting to inspect or enforce upon any facility involved directly or indirectly with the discharge of wastewater to the District's sewer system. The District or its designees are authorized to collect samples of any waste stream, including the discharge from the facility and any GRD. Failure to grant access shall result in an additional inspection fee and may result in suspension of sewer services provided by the District or water turn off.

- § 9.5. Cost Recovery for Collection System Cleaning. In the event that a FSE discharges FOG from the FSE / owner's premises and into the sewage collection system owned and operated by OLWSD, so that the FOG leaves behind visible deposits adhered to the pipes, OLWSD may at their discretion clean the pipe system to the extent that their crew deems necessary and the FSE / property owner will be billed for the cost of the District's labor, equipment, and materials. In lieu of this, either the District or the FSE / property owner may hire a licensed contractor (with the District's approval)

to clean the lines (to the extent directed by the District) and vacuum up / remove the grease and dispose of it to a facility approved to receive such wastes. The contractor would then bill the FSE / property owner directly.

## **§ 10 SURFACE WATER MANAGEMENT**

§ 10.1. Authority; MS4 Permit. Under the Clackamas County Co-Applicants' Municipal Separate Storm Sewer System (MS4) Permit, the District is charged with protecting water quality and satisfying requirements of the MS4 permit. Implementation of these regulations is through the MS4 Permit. As required by the MS4 Permit, the District's authority includes having the ability to control the discharge of pollutants by reducing the discharge of pollutant loads, to the maximum extent practicable, and to prohibit non-storm water discharges into the storm sewer system.

§ 10.2. Conveyance System Subject to Jurisdictional Authority. The conveyance system components maintained and/or repaired by the District include storm sewers, culverts, inlets, ditches, and swales. The District's responsibility for these types of utility assets is limited to District owned assets or those that the District operates under an intergovernmental agreement.

§ 10.3. Permits Required. The District issues Erosion Control/Surface Water Management Permits within its jurisdictional area. All construction activities affecting areas 500 square feet or greater within the District shall obtain an Erosion Control/Surface Water Management Permit. Construction activities affecting areas 250 square feet or greater within the undisturbed buffer, sensitive areas, or riparian areas must also obtain an Erosion Control/ Surface Water Management Permit. An Erosion Control/Surface Water Management Permit is also required to discharge to the Districts surface water system as described in Section 10.12 of these Rules and Regulations.

§ 10.4. Agency Coordination. The District coordinates with CCDTD on land use development proposals within the County. In the Clackamas County Comprehensive Plan Title 13, Chapter 7, Clackamas County recognizes that the District has responsibility for operating, planning, and regulating surface water management systems. The County has a policy to coordinate the review of development applications with the District, for proposals within the District's jurisdiction, to ensure that approval is not granted in the absence of adequate sanitary sewer facilities or a mechanism to provide them concurrently with development. Additionally, per Clackamas County Zoning and Development Ordinance Section 1006.08(C), approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority

Additionally, any construction activity disturbing one (1) or more acres of land currently requires an NPDES Construction Stormwater Discharge Permit issued by DEQ. Within Clackamas County, DEQ has authorized Clackamas County Water Environment Services (WES) to administer those permits for them.

§ 10.5. Permit Procedure. Review and Approval Process:

§ 10.5.1. An Erosion Control/Surface Water Management Permit is issued by the District through an administrative approval process. An Erosion Control/Surface Water Management Permit application shall be submitted upon a form provided by the District. A complete application shall consist of all materials required as listed in Sections 10.6 and 10.10 of these Rules and Regulations.

(a) Determination of Completeness. After receiving a permit application, the General Manager shall inform the applicant of a determination that: (1) that the application is complete; or (2) that the application is incomplete and what is necessary to make the application complete.

(b) Incomplete Application Procedure. If the applicant receives a determination from the General Manager or their designee that an application is not complete or that additional information is required, the applicant shall submit the necessary information to the District. After an applicant has submitted the requested additional information, the District shall make the determination as described in this section.

§ 10.5.2. The District may approve, approve with conditions, or deny all Erosion Control/Stormwater Management Permit applications. In addition to the requirements listed in Section 10.6 of these Rules and Regulations, the District retains the right to require additional Erosion Control/Surface Water Management Permit conditions of approval. Inspection of erosion control measures is required prior to approval and prior to the start of any excavation work.

#### § 10.6. Application Requirements.

§ 10.6.1. Construction activities that impact areas 500 square feet or greater must obtain an Erosion Control/Surface Water Management Permit. Construction activities affecting areas 250 square feet or greater within the undisturbed buffer, sensitive areas, or riparian areas must also obtain an Erosion Control/ Surface Water Management Permit.

§ 10.6.2. A Site Plan, Storm Drainage Plan, and Erosion Control Plan will be required for all residential, commercial, industrial and recreational developments and redevelopments. Additionally, a Site Plan and Erosion Control Plan are required for construction activities, including, but not limited to, clearing, grading, excavation, or filling which occurs in the District. Requirements for the application materials are as follows:

§ 10.6.2.1. Site Plan. Three (3) copies of a site-specific plan shall include the following:

(a) Contour lines with elevations to show slope. Plans for simple additions or improvements to existing structures can indicate slope with arrows illustrating the direction of the slope instead of contours and elevation figures.

- (b) Storage site for excavated materials (soil stockpiles).
- (c) Gravel construction entrance (gravel to a depth of 8 inches)
- (d) Placement of approved erosion control devices (i.e. silt fences, straw bales, thick vegetative growth such as a lawn if the construction area is flat).
- (e) Drainage during and after construction or other runoff, including, as applicable:
- (f) Soakage trenches
- (g) Catch basins
- (h) Storm sewers
- (i) Site restoration plan (permanent landscaping)
- (j) Water quality facilities as required (for residential/ commercial/ industrial)

§ 10.6.2.2. Erosion Control Plan. Submittal requirements include:

- (a) All erosion control plans shall meet requirements of the current Clackamas County Water Environment Services Erosion Prevention and Sediment Control Manual used by the District.
- (b) One completed copy of Erosion Prevention/Sedimentation Control Information containing:
  - (1) Plans for Erosion Prevention/Sedimentation Control during wet weather period (November – April);
  - (2) The methods and/or facilities to be used to prevent erosion and pollution created from the development both during and after construction. Site specific considerations may be incorporated. The plan shall be consistent with the specific drainage basin or sub basin plan.
- (c) An analysis of source controls as an alternative method to control storm water runoff, such as detention and storage techniques.
- (d) Information regarding adjacent open space.
- (e) Information describing historic localized flooding problems resulting from surface water runoff.
- (f) The District may require that the applicant design and construct a detention and drainage system that ensures offsite impacts caused by that development will be mitigated.
- (g) Facilities developed onsite shall be constructed in a manner consistent with basin wide or sub basin drainage management plans.



§ 10.6.3. Bond. The District may request the applicant submit a Performance Bond, cashier's check, or other acceptable financial security in favor of the District to secure performance of the required obligation. The amount secured by the District shall be 100% of the improvements that will ultimately be owned by the District. Upon default, District may perform the work or remedy violations and draw upon the posted security instrument.

§ 10.6.4. Additional Information. The District may also require the applicant to provide additional information as indicated in these Rules and Regulations.

§ 10.7. Plan Review. Site Plan, Storm Drainage, and Erosion Control Plan review and approval shall be required prior to the start of any excavation work.

§ 10.8. Inspections. The erosion control measures shall be installed and inspected prior to the start of any excavation work. The District retains the right to require that erosion control measures be adjusted, or additional measures documents be implemented in accordance with guidance, as necessary, throughout construction.

§ 10.9. Exceptions. Exceptions to Erosion Control/Surface Water Management Permit application requirements must be documented and approved by the District. A variance to the requirements in Section 10.6 may be requested as allowed under Section 12 of these Rules and Regulations.

§ 10.10. Permit Fees. The District shall collect a fee for the review of plans, administration, enforcement, and field inspection(s) to carry out the rules contained herein. Fees are provided in the District's Fee Schedule.

§ 10.11. Permit Appeals. Any person aggrieved by ruling or interpretation of the provisions of this Code in issuing a permit may submit a written appeal to the District, and pay the permit appeal fee, as allowed under Section 12 of these Rules and Regulations.

§ 10.12. Discharge Regulations.

§ 10.12.1. Discharge to Sanitary Sewer System Prohibited. Discharge or contribution to the discharge of any stormwater or other unpolluted water is not allowed into the District's sanitary sewer system without specific approval from the District.

§ 10.12.2. Discharge to Public Stormwater System. Prohibited stormwater discharge activities include, but are not limited to, the following:

- (a) Introduction of pollutants or waters to the public stormwater system containing pollutants or concentrations at levels equal to or in excess of those necessary to protect waters of the State.
- (b) Failure to abide by the terms of any Erosion Control/Surface Water Management Permit, MS4 permit, NPDES permit, statute, administrative rule, ordinance, stipulated and final order or decree, or other permit or contract.

- (c) Discharges of non-stormwater or spills or dumping of materials other than stormwater into public storm system unless pursuant to a conditional Erosion Control/Surface Water Management Permit approved by the District and in compliance therewith.
- (d) Illegal or unpermitted connection or methods of conveyance to the public stormwater system.
- (e) Any discharge that will violate federal, state, or local water quality standards.

§ 10.12.3. Discharge to Creeks or Drainageways. New storm drains and roof drains are not allowed to drain directly into creeks or drainageways or encroach into the buffer unless an Erosion Control/Surface Water Management Permit is obtained from the District. Encroachment into buffer areas must be approved by the District and will require mitigation. Existing and replacement storm drains shall be constructed according to current local, county, state and federal regulations. Non-single family development shall provide an approved water quality facility prior to any discharge from the site to a storm drain system, a creek or drainageway, as approved by the District.

§ 10.12.4. State Discharge Limitations. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those provided in this chapter.

§ 10.12.5. Local Discharge Limitations. The District retains the right to establish by ordinance more stringent limitations or requirements on discharges if such limitations or requirements are deemed necessary to comply with this chapter.

§ 10.13. Pretreatment Facilities. The District may require that pretreatment facilities are necessary to comply with water quality standards. Before constructing or operating any pretreatment facilities within the District, an Erosion Control/Surface Water Management Permit authorizing such connection shall first be secured in writing from the District and fees paid. A variance to these requirements may be requested as allowed under Section 12 of these Rules and Regulations.

§ 10.13.1. Plans, Specifications, and Construction.

- (a) The District may require plans, specifications, and other information relating to the construction or installation of pretreatment facilities.
- (b) Pretreatment facility construction and installation shall not commence until written approval of plans and specifications by the District is obtained.
- (c) Every facility for the pretreatment and handling of surface water discharged from non-single family residential development sites shall be constructed in accordance with approved plans and specifications.

- (d) The applicant shall notify the District when the facility is ready for final construction inspection. The inspector shall then inspect the facility construction. If such construction meets the previous permit requirements, a pretreatment facility approval shall be issued.

§ 10.13.2. Facility Operations and Maintenance Agreement. The District may require an Operations and Maintenance Agreement for pretreatment facilities. This agreement may set forth operations and maintenance, sampling, access, and other requirements. This agreement will provide for District access to inspect the facility. This agreement will be recorded in the County records against the affected property.

Every facility for the pretreatment and handling of surface water discharged shall be installed, maintained, and repaired at the expense of the facility owner discharging the surface water. The owner shall be responsible for maintaining and repairing pretreatment facilities using BMPs, as determined by the District or authorized representative

§ 10.13.3. Sampling and Monitoring Facility. A person constructing a pretreatment facility, as required by the District, shall also install and maintain, at the expense of the facility, owner a suitable sampling access point for checking and investigating the discharge from the pretreatment facility to the public storm system. The sampling point shall be in accordance with specifications approved by the District.

§ 10.13.4. Sampling. Samples discharged into the public surface water system shall be representative of the use and shall be taken after treatment, if any, and before dilution by other water. The sampling method shall be one approved by the District and in accordance with best engineering practices. All sample analysis shall be performed in accordance with the procedures set forth in 40 CFR Part 136, as amended.

§ 10.13.5. Reporting Requirements. The District may require the permit holder to submit a compliance report indicating the quantity and quality of surface water discharge, the need for pretreatment to comply with applicable standards, and the operation and maintenance schedule of the pretreatment facility.

§ 10.13.6. Inspection and Right-of-Entry. The District or authorized representatives may inspect the monitoring facilities of any permittee to determine the compliance with the requirements of these Rules and Regulations. The discharger shall allow the District or authorized representatives to enter upon the premises at any reasonable hour for the purpose of inspection, sampling, or records examination. The District shall also have the right to install on the User's property such devices as are necessary to conduct sampling, inspection, compliance, monitoring, and/or metering operations. The right of entry includes but is not limited to access to those portions of

the premises that contain facilities for sampling, measuring, treating, transporting, or otherwise handling surface water and storing records, reports, or other related documents.

§ 10.14. Discharge To Storm Drain Facility. An Erosion Control/Surface Water Management Permit is required to discharge or drain to any storm drain facility, including but not limited to pipes, streets, ditches, streams, pollution reduction manholes, and detention facilities, whether constructed or natural. Before discharging or draining to any storm drain facilities within the District, an Erosion Control/Surface Water Management Permit authorizing such discharge shall first be secured in writing from the District and fees paid.

§ 10.14.1. The District may require plans, specifications, and other information relating to the construction or installation of storm drain facility connections.

§ 10.14.2. Storm drain facility connections construction and installation shall not commence until a written permit and approval of plans and specifications by the District is obtained.

§ 10.14.3. Every storm drain facility connection shall be constructed in accordance with approved plans and specifications and shall be installed, maintained, and repaired at the expense of the facility owner connecting to a storm drainage facility.

§ 10.14.4. The applicant shall notify the District when the connection is ready for inspection.

§ 10.14.5. The inspector shall then inspect the connection construction therein, and if such construction meets the previous requirement as approved in the permit, a connection approval shall be issued.

## § 10.15. EROSION CONTROL AND ENVIRONMENTAL PROTECTION

### § 10.15.1. PURPOSE

This Article provides for the regulation of erosion and pollution control to maintain and protect water quality and natural resources in accordance with federal, state, and local water quality standards.

### § 10.15.2. General Policy

- (a) To comply with water quality standards set forth in OAR 340-041, it is the District's policy to prevent erosion and eliminate or reduce the amount of sediment and other pollutants reaching the public storm and surface water system.
- (b) The provisions of this Section apply during construction and until permanent erosion and pollution control measures are in place following construction as described herein, unless otherwise noted.
- (c) This Section is intended to regulate construction activities and other activities that accelerate erosion. It is the District's policy to require

temporary and permanent measures for all construction projects to lessen the adverse effects of site alteration on the environment.

§ 10.15.3. Nothing in this section shall relieve any person from obligation to comply with the regulations or permits of any federal, state, or local authority.

§ 10.15.4. Erosion Control Requirements.

§ 10.15.4.1. Where the District determines that erosion control facilities are necessary to comply with water quality standards, an Erosion Control/Surface Water Management Permit is required for construction and operation of such facilities. Before constructing any erosion control facilities within the District, an Erosion Control/Surface Water Management Permit authorizing such facilities shall first be secured in writing from the District and fees paid. Erosion control facilities and measures shall meet requirements of the current "*Clackamas County Water Environment Services Erosion Prevention Planning and Design Control Manual.*"

§ 10.15.4.2. The permittee or owner is responsible for the cost of installation, maintenance, and repair of all erosion control facilities required by an Erosion Control/Surface Water Management Permit, including both temporary and permanent facilities, as applicable.

§ 10.15.4.3. The permittee or owner shall use BMPs, as determined by the District or Authorized designee.

§ 10.15.4.4. No visible or measurable erosion shall leave the property during any construction or other erosion accelerating activity. The permittee/owner, along with any person who causes such visible or measurable erosion, shall be responsible for cleanup, damages, and fines. Cleanup responsibilities may involve, but are not limited to public facilities, resources, and areas impacted by a project including, but not limited to, creeks, drainageways, wetlands, catch basins, storm drains, and sensitive areas.

§ 10.15.4.5. Plans, Specifications, and Construction. In addition to the requirements of Section 10.6, the District may require plans, specifications, and other information relating to the construction or installation of erosion control facilities or restoration plans. Erosion control facility construction and installation shall not commence until the permittee receives the District's written approval of erosion control plans and specifications. All erosion control facilities shall be constructed in accordance with approved plans and specifications.

§ 10.15.4.6. Inspection. The erosion control facilities and measures necessary to meet the requirements of this subsection shall be installed by the owner and shall be inspected by the District prior to the start of any construction activity. The owner shall notify the District when the erosion control facility is ready for final construction inspection. The District's inspector shall then inspect the facility construction prior to final approval.

§ 10.15.4.7. Maintenance.

- (a) Maintenance of existing facilities shall be the responsibility of the property owner or applicant.
- (b) The permittee or owner shall maintain the erosion control facilities and BMPs in conformance with the approved erosion control plan.
- (c) If adequate maintenance is not performed, the maintenance standards and schedule shall be reviewed and enforced by the District and the owner or permittee shall be responsible to the District for costs incurred.
- (d) Where an erosion control plan is not effective or sufficient as determined by the District through a site inspection, the District may issue a stop work order and the permittee or owner shall be required to submit a revised plan to the District. Upon approval of the revised plan by the District, the permittee or owner shall immediately implement the additional facilities and techniques of the revised plan.
- (e) In cases where erosion is occurring in violation of these Rules and Regulations, the District may require the owner/permittee to install interim control measures prior to submittal of the revised erosion control plan.

§ 10.15.5. Deposit of Sediment. No person shall drag, drop, track, or otherwise place or deposit, or permit to be deposited, mud, dirt, rock or other such debris on a public street or into any part of the public storm and surface water system, or any part of a private storm and surface water system, which drains or connects to the public stormwater and surface water system. Any such deposit or material shall be immediately removed using hand labor or mechanical means. No material shall be washed or flushed into any part of the storm and surface water system without erosion control measures installed to the satisfaction of the District, and any such action shall be a violation.

§ 10.16. Construction Stormwater Permitting. NPDES Permit As discussed in subsection 10.4, any construction activity disturbing one (1) or more acres of land shall obtain an NPDES Stormwater Discharge Permit issued by DEQ. Within Clackamas County, DEQ has authorized Clackamas County WES to administer those permits.

§ 10.17. Dust Control. Dust and other particulate matters containing pollutants that settle on property or are carried to surface waters through rainfall or other means shall be minimized to the maximum extent practicable, utilizing all measures necessary, including but not limited to:

- (a) Sprinkling with water, haul and access roads and other exposed dust producing areas,
- (b) Establishing temporary vegetative cover,
- (c) Placing wood chips or other effective mulches on vehicle and pedestrian use areas;
- (d) Maintaining the proper moisture condition on all fill surfaces,
- (e) Pre-wetting cut and borrow area surfaces, and
- (f) Using of covered haul equipment.

§ 10.18. Water Quality Maintenance.

§ 10.18.1. Construction of New Facilities. Construction of new water quality facilities between stream banks shall be pursuant to permits issued by jurisdictional state and federal agencies (i.e., the United States Army Corps of Engineers (USACE) and Oregon Department of State Lands (DSL)) and applicable regulations.

§ 10.18.2. Pollutants. Pollutants in the DEQ current toxics standards identified in OAR 340-041, such as, but not limited to, fuels, lubricants, asphalt, concrete, bitumens, raw sewage, other harmful materials, and trash or debris, shall not be discharged into rivers, streams, impoundments, wetlands, sensitive areas, undisturbed buffers, or any storm drainage system, or at such proximity that the pollutants flow to these watercourses.

§ 10.18.3. Alterations. The withdrawal of water from a stream, impoundment, wetland, or sensitive area, shall not result in altering or further degradation of the temperature or water quality of the waterbody in violation of OAR-340-041.

§ 10.18.4. Construction Activities. All sediment-laden water from construction activities shall be routed through sedimentation basins, filtered, or otherwise treated to remove the sediment load before the water is discharged into the surface water system.

§ 10.19. Natural Resource Protection.

§ 10.19.1. Fish and Wildlife Habitat. Construction activities shall be done in a manner that minimizes adverse effects on wildlife and fishery resources pursuant to the requirements of local, state, and federal agencies charged with wildlife and fish protection.

§ 10.19.2. Sensitive Areas. An Erosion Control/Surface Water Management Permit is required for activities disturbing sensitive areas that would affect water quality by altering or affecting sensitive areas and associated buffers. These activities include, but are not limited to:

- (a) landscaping;
- (b) construction activities;
- (c) tree cutting;
- (d) vegetation removal; and
- (e) streambank restoration.

§ 10.19.3. Sensitive Areas include:

- (a) Existing or created wetlands, including all mitigated wetlands; limits defined by wetlands reports approved by the USACE, DSL, and the District;
- (b) Rivers, streams, springs, sloughs, swamps, creeks; limits defined by the top of the bank or first break in slope measured upland from the mean high water line; and
- (c) Impoundments (lakes and ponds); limits defined by the top of the bank or first break in slope measured upland from the mean high water line.
- (d) The District maintains a map in its Geographic Information System (GIS) that delineates the sensitive areas applicable to the District.
- (e) Sensitive areas, for the purposes of this chapter, do not include water quality facilities, such as constructed wetlands or the undisturbed buffers adjacent to sensitive areas.

§ 10.19.4. Study Requirements. An approved study may be required by the District identifying areas on the parcel which are, or may be, sensitive areas when, in the opinion of the District:

- (a) An area or areas on a parcel may be classified as a sensitive area;  
or
- (b) The parcel has been included in an inventory of sensitive areas adopted by the District, and more site-specific identification of the boundaries is needed.

§ 10.19.5. Undisturbed Buffer Required. New development or a division of land adjacent to sensitive areas shall preserve and maintain an undisturbed buffer wide enough to protect the water quality function of the sensitive area. The undisturbed buffer is a facility required to prevent damage to the sensitive area caused by the development. An undisturbed buffer will



be required in areas with any slope adjacent to sensitive areas. Undisturbed buffer widths are specified in the table below

**Table 10-19**

<b>Sensitive Area</b>	<b>Upstream Drainage Area</b>	<b>Width of Undisturbed Buffer</b>
Intermittent Creeks, Rivers, Streams	Less than or equal to 50 acres	25 feet
Intermittent Creeks, Rivers, Streams	Greater than 50 acres	35 feet
Perennial Creeks, Rivers, Streams	Any upstream area	35 feet
Wetlands, Lakes (natural), and Springs.	Any drainage	35 feet
Willamette River	Any drainage	35 feet (from normal high water*)

*\* Normal High Water is the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape.*

§ 10.19.6. Undisturbed buffers shall be protected, maintained, enhanced, or restored as follows:

- (a) An Erosion Control/Surface Water Management Permit is required for all construction activities in the buffer greater than 250 square feet. The disturbance area is calculated by multiplying the width of undisturbed buffer area by the length of the parcel adjacent to the sensitive area shown above.
- (b) Uncontained areas of hazardous materials as defined by DEQ are prohibited in the buffer.
- (c) Vegetative cover native to the region shall be maintained, enhanced, or restored, if disturbed in the buffer.
- (d) Only native vegetation shall be used to enhance or restore the buffer.
- (e) Invasive non-native vegetation may be removed from the buffer and replaced with native vegetation.

§ 10.19.7. Starting points for undisturbed buffer measurements from the sensitive area begin at:

- (a) The edge of a DSL-approved wetland delineation area;
- (b) The edge of the top of the bank or first break in slope measured upland from the Ordinary High Water Mark of rivers, streams, sloughs, swamps, creeks; and
- (c) The edge of the top of the bank or first break in slope measured upland from the mean high water line of impoundments (lakes and ponds).

- (d) The District maintains a map in its GIS that delineates the buffer areas applicable to the District based on the buffer area widths specified above.

§ 10.19.8. Where no reasonable and feasible option exists for not encroaching within the minimum undisturbed buffer, such as at a road crossing or where topography limits options, then onsite mitigation on the intrusion of the buffer will be based on a ratio of 1.5 to 1. A variance to this requirement may be requested as allowed under Section 12 of these Rules and Regulations.

§ 10.19.8.1. All encroachments into the buffer, except those listed in Section 10.19.9, require written approval from the District.

§ 10.19.8.2. The District shall mail notice of its decision to grant or deny approval to the applicant and to owners of property within 250 feet of the affected property.

§ 10.19.9. Undisturbed Buffer – Exceptions. No construction activities or other activities shall be allowed which otherwise detract from the water quality protection provided by the buffer, as required by federal, state, and local regulations, except as allowed by the District in the following situations:

- (a) A road crossing the undisturbed buffer to provide access to the sensitive area or across the sensitive area, provided any impacts to the buffer area, including conveyance and fish passage impacts, are addressed with a restoration plan or mitigation plan approved by the District.
- (b) Utility construction or approved plans by a governmental agency or public utility subject to Public Utility Commission regulation, providing the buffer is restored and a restoration plan approved by the District.
- (c) A walkway or bike path not exceeding eight (8) feet in width, only if it is part of a regional system of walkways and trails managed or adopted by a public agency.
- (d) A pervious walkway or bike path, not exceeding eight (8) feet in width that does not provide access to the sensitive areas or across the sensitive areas. If the walkway or bike path is impervious, then the buffer must be widened by the width of the path. The average distance from the path to the sensitive area must be at least 60% of the total buffer width. At no point shall a path be constructed closer than ten feet from the boundary of the sensitive area, unless approved by the District.
- (e) Measures to remove or abate hazards, nuisances, or fire and life safety violations.

- (f) Homeowners are allowed to take measures to protect property from erosion, such as protecting river banks from erosion, within limits allowed by federal, state, and local regulations. Permits may be required for these property protection activities.
- (g) The undisturbed buffer shall be left in a natural state. Gardens, lawns, or other landscaping shall use vegetation identified in the *Oak Lodge Water Services District Plant List*, except with a plan approved by the District. The proposal shall include information to demonstrate that improvement and maintenance of improvements will not be detrimental to water quality. Existing landscaping/vegetation and activities to maintain existing landscaping within the undisturbed buffer is allowed, unless identified on the Required Eradication List contained in the *Oak Lodge Water Services District Plant List*.

§ 10.19.10. Tree Replacement within Undisturbed Buffer. Existing trees within the undisturbed buffer or riparian area are encouraged to remain in place. If a tree is removed from the buffer area the following conditions apply.

- (a) Any trees removed a diameter at breast height (DBH) of at least 3-inches shall be replaced at a ratio of 4:1 (four trees planted for every one removed) within a time frame, location(s), and species identified in the approved site restoration plan.
- (b) An Erosion Control/Surface Water Management Permit shall first be secured from the District if the tree removal activity causes ground disturbance greater than 250 square feet.
- (c) Trees removed by or requiring removal as a result of natural causes (e.g. wind storm, disease (requires report from Certified Arborist to validate and document disease), wildlife activities) do not have to be replaced.
- (d) Types of trees allowed for replacement are those identified in the *Oak Lodge Water Services District Plant List*, except as allowed in a plan approved by the District.
- (e) A variance to the requirements of this subsection may be requested as allowed under Section 12 of these Rules and Regulations.

§ 10.19.11. Location of Undisturbed Buffer. The District may require that the buffer be fenced, signed, delineated, or otherwise physically set apart from parcels that will be developed. In any new development or redevelopment, the undisturbed buffer shall be contained in a tract, and shall not be a part of any parcel to be used for the construction. The District reserves the right to require separate tracts for undisturbed buffers; however, conservation easements will be considered and

allowed if the developer can demonstrate that restrictions for activities on the parcel will protect the resource associated with the buffer. Restrictions may include permanent signage, fencing, documentation with the title of the property, or other methods approved by the District.

#### § 10.19.12. Plans, Specifications, and Construction

§ 10.19.12.1. In addition to requirements in Section 10.6, the District may require additional plans, specifications, and other information relating to construction within, variances from, and restoration of buffers. Construction and restoration shall not commence until written approval of plans and specifications by the District is obtained and shall occur in accordance with approved plans and specifications.

§ 10.19.12.2. The applicant shall notify the District when the facility is ready for final construction inspection. The inspector shall then inspect the facility construction therein.

#### § 10.19.13. Hazardous Chemicals, Pesticides, Fertilizers.

§ 10.19.13.1. The use of hazardous chemicals including, but not limited to, pesticides (including insecticides, herbicides, defoliants, soil sterilants) and fertilizers, must strictly adhere to federal, state, and local regulations.

§ 10.19.13.2. All hazardous chemicals, which are delivered to or stored at the job site during construction, restoration, or maintenance activities shall be stored, covered, and protected from the weather. None of the materials shall be exposed during storage. Hazardous chemicals shall be disposed of in such a manner that pollution of soil, groundwater, surface water, or air does not occur. In no case shall hazardous materials be disposed of in drainageways.

#### § 10.20. Additional Surface Water Management Standards.

§ 10.20.1. Purpose. This Article provides for additional treatment design, water quality, quantity, and natural resource protection standards.

#### § 10.20.2. General Standards.

§ 10.20.2.1. All development shall be planned, designed, constructed, and maintained to:

- (1) Protect and preserve existing streams, creeks, natural drainage channels and wetlands, and to meet state and federal requirements.
- (2) Protect property from flood hazards identified by the District.

- (3) Provide records or show on District stormwater studies a system by which storm/surface water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons.
- § 10.20.2.2. All stream crossings must be approved by USACE, DSL, Clackamas County, and other authorized federal, state, and local agencies.
- § 10.20.2.3. In the event a development or any part thereof is traversed by any water course, channel, stream or creek, gulch or other natural drainage channel, adequate easements for purposes of surface water drainage maintenance shall be provided to the District. This does not imply a maintenance obligation by the District.
- § 10.20.2.4. Channel obstructions are not allowed except with District written approval.
- § 10.20.2.5. Facilities developed on site, including flow discharge from site, shall be constructed in a manner consistent with “*OLWSD Surface Water Master Plan*”.
- § 10.20.2.6. All storm conveyance pipes, vaults, detention facilities, or other water quality or quantity facilities shall be built to specifications of the District.
- § 10.20.2.7. All surface water facilities shall be constructed per specifications of the District.
- § 10.20.2.8. Inspection of surface water facilities and approval of shop drawings shall be provided by the developer’s engineer.
- § 10.20.2.9. Following completion of construction, the engineer shall submit a document, stamped by a professional engineer, indicating all surface water systems have been inspected and installed per approved plans and approved changes.
- § 10.20.2.10. Maintenance is required for all onsite surface water facilities. The maintenance program must be approved by the District. The District may require a recorded Operations and Maintenance Agreement for onsite facilities.
- § 10.20.2.11. As-built plans of facilities, easements for all facilities, and approved maintenance plans shall be provided to the District upon completion of construction. Record drawings may be substituted for as-built plans when determined appropriate by the District or authorized representative.
- § 10.20.2.12. Each surface water system shall have adequate easements and access for construction, operation, and maintenance. A

commercial or industrial User having ownership or control of onsite detention facilities shall maintain such facilities in compliance with these Rules and Regulations and provide documentation of annual maintenance.

§ 10.20.2.13. All surface water facilities shall be maintained as needed and as approved by the District. Proof of maintenance shall be annually submitted in accordance with a schedule approved by the District. If the facility is not maintained, the District may perform the inspection, maintenance, and documentation and charge the owner of the facility.

§ 10.20.2.14. Site plans, grading plans, storm drainage plans, and associated calculations must be stamped and signed by a professional engineer licensed by the State of Oregon and meet the standards of the District. The District may waive this requirement upon request of a variance under Section 12.

§ 10.20.2.15. Permittees or owners shall provide a performance bond or other surety acceptable to the District prior to recording of the plat for residential developments or the issuance of building permits for commercial or industrial developments. The amount of the performance bond shall be in the amount of 100% of the permittee's engineer's cost estimate for all approved but uncompleted surface water and buffer improvements.

§ 10.20.2.16. A maintenance bond shall be provided to the District prior to release of the performance bond. The maintenance bond shall be in favor of the District, in the amount of 25 percent of the actual construction cost, for a period of one year from the date of final District inspection and acceptance of all completed buffer mitigation and public surface water facilities. During construction and the guarantee period, the District may perform work if the owner fails to do so and charge the Bond. At the end of the one-year guarantee period, if no replacement work is required by the final inspection, the residual bond amount shall be released and remitted to the owner. If replacement work is required, the District may extend the bond term by one year. Nothing herein shall limit the owner's responsibility for repair and maintenance to the amount of the bond.

§ 10.20.2.17. The permittee or owner is responsible for complying with federal, state and local regulations.

§ 10.20.2.18. All developments and redevelopments shall provide water quantity, water quality, and infiltration systems to meet requirements of Section 10.22.

§ 10.20.2.19. Development projects shall not be phased or segmented in such a manner to avoid the requirements of these Rules and Regulations.

§ 10.21. Onsite Detention Design Criteria. All onsite detention facilities shall be constructed in accordance with the District's Design and Construction Standards.

§ 10.22. Water Quality Standards.

§ 10.22.1. All new developments and re-developments shall provide on-site water quality facilities, as required by the District. Water quality facilities shall be designed to capture and treat the first 1-inch of stormwater runoff from a 24-hour storm event.

§ 10.22.2. Accepted types of vegetated treatment facilities include vegetated swales, filter strips, constructed wetlands, wet ponds and extended dry detention ponds. Alternative systems may be used with approval by the District and shall be designed to provide equivalent treatment as is provided with a vegetated system, as described in the latest CCSD#1 Stormwater Standards (*Appendix F - Proprietary Stormwater Treatment Technology Policy, Appendix H - Vegetated Stormwater Quality Facility Design Criteria*) and the "Surface Water Quality Facilities Technical Guidance Handbook", developed by Portland and Lake Oswego, Clackamas County, and the Unified Sewerage Agency, now known as Clean Water Services.

## § 11 ENFORCEMENT

§ 11.1. Purpose. This section provides procedures to enforce the District's Rules and Regulations including all applicable, rules, regulations, permits, orders and any other related or future requirements of water, sewer, and watershed protection management. Pretreatment and Discharge violations are governed by the Discharge Enforcement Rules and Regulations.

§ 11.2. Violations and Civil Penalties. The District may impose civil penalties, including but not limited to, stop work orders, fines, modification or revocation of a permit and/or cessation of services, or seek an injunction or other relief provided by law when any User or person violates any condition or provision of these Rules and Regulations, any rule or regulation adopted there under, any permit or order issued or otherwise enforceable by the District, or any other federal or state, regulations, or administrative rules.

§ 11.3. Objectives. The goal of enforcement is to:

- (a) Obtain and maintain compliance with applicable federal and state statutes or administrative rules, and the District's NPDES permits, Rules

and Regulations, and orders;

- (b) protect the public health and the environment;
- (c) deter future violators and violations; and
- (d) ensure appropriate and consistent enforcement.

§ 11.4. Classes of Violation. The District shall address all documented violations in order of seriousness at the most appropriate level of enforcement necessary, taking into account the circumstances of each violation. The violators who do not comply with initial enforcement action shall be subject to increasing levels of enforcement until compliance is achieved. There are three levels of violation: Class I, Class II, and Class III.

*Class I*

*Class I*

Any violation which poses a major risk of harm to public health or environment, or violation of any compliance schedule contained in a District permit or a District order, including but not limited to:

- Violation of these Rules and Regulations;
- Violation of a District order or approved plan;
- Intentional unauthorized discharges;
- Negligent spills or discharges which pose a major risk of harm to public health or the environment;
- Discharge of waste to surface waters without first obtaining a National Pollutant Discharge Elimination System Permit;
- Failure to immediately notify the District of a spill or upset condition which results in an unpermitted discharge to public waters which pose a major risk of harm to public health or the environment;
- Violation of a permit compliance schedule;
- Failure to provide access to premises or records;
- Any other violation related to water quality which poses a major risk of harm to public health or the environment;
- Two Class II violations, or one Class II and two Class III violations, or three Class III violations.

*Class II*

Any violation which poses a moderate risk of harm to public health or the environment, including but not limited to:

- Violation of these Rules and Regulations;
- Violation of a District order or approved plan;
- Waste discharge permit limitation violations which pose a moderate risk of harm to public health or the environment;



- Negligent spills which pose a moderate risk of harm to public health or the environment;
- Failure to submit a report or plan as required by permit or license;
- Any other violation related to water quality which poses a moderate risk of harm to public health or the environment.

*Class III*

Any violation which poses a minor risk of harm to public health or the environment, including but not limited to:

- Violation of these Rules and Regulations;
- Violation of a District order or an approved plan;
- Negligent spills or discharges which pose a minor risk of harm to public health or the environment;
- Violation of a waste discharge permit limitation which poses a minor risk of harm to public health or the environment;
- Any other violation related to water quality which poses a minor risk of harm to public health or the environment.

§ 11.5. Procedure for Enforcement

§ 11.5.1. Inspection, Entry, and Sampling

§ 11.5.1.1. Authorized District representatives may inspect the property and facilities of any owner to determine compliance with the requirements of these Rules and Regulations. The person shall allow the District, or its authorized representatives, to enter upon the premises at all reasonable hours for the purpose of inspection, sampling or records examination.

§ 11.5.1.2. The District shall also have the right to set up on the owner's property such devices as are necessary to conduct sampling, inspection, compliance, monitoring and/or metering operations. The right of entry includes but is not limited to access to those portions of the premises that contain facilities for sampling, measuring, treating, transporting, or otherwise addressing sewage or storm water and storing records, reports, or other related documents.

§ 11.5.1.3. The District is authorized to conduct inspections and take such actions as required to enforce any provisions of these Rules and Regulations, or any permit issued pursuant to these Rules and Regulations, whenever the General Manager has reasonable cause to believe there exists any violation of these Rules and Regulations. If the premises are occupied, credentials shall be presented to the occupant and entry requested. If the premises are unoccupied and no permit has been issued, the District shall first make a reasonable effort to locate the owner or other person

having charge or control of the premises and request entry. If entry is refused in either case, the District shall have recourse to the remedies provided by law to secure entry.

§ 11.5.1.4. Where feasible, inspections shall occur at reasonable times of the day. If a permit has been issued and the owner or their representative is at the site when the inspection is occurring, the General Manager or authorized representative shall first present proper credentials to the owner or their representative. The owner or person having charge or control of the premises shall allow the General Manager or the General Manager's authorized representative, agents, and contractors to:

- (a) Enter upon the property where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of a permit;
- (b) Have access to and copy any records that must be kept under the conditions of a permit;
- (c) Inspect at reasonable times the property, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required by the Rules and Regulations or under a permit; and
- (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance with the Rules and Regulations, or as otherwise authorized by local or state law, any substances or parameters at any location.

This subsection is subject to the abatement provision in Section 11.11.

§ 11.5.2. Notice of Non-Compliance (NON). After identifying a violation, the District may issue a Notice of Noncompliance that:

- (a) Informs a person of the existence of a violation, the actions required to resolve the violations, and the consequences of continued non-compliance. The NON may specify the time by which compliance is to be achieved and that the need for formal enforcement action will be evaluated
- (b) Is issued under the direction of the General Manager or designee;
- (c) May be issued for all classes of documented violations; and
- (d) Is consistent with the objectives in Section 11.3.
- (e) The NON may be in the form of a phone call followed by a Compliance Telephone Memorandum. The NON will require the violator to provide

a written report within five (5) business days that details the event, the steps taken to correct the problem, and the steps to prevent future events.

§ 11.5.3. Informal Resolution. The District shall attempt to resolve violations and solicit compliance with education and technical assistance, especially with parties who are unlikely to have knowledge of regulatory requirements. Generally, violators will be given an initial period to correct the violation based on the educational materials and technical assistance provided by District staff. Informal resolution shall include the following efforts:

- Education through a discussion of the violated regulation and the facility's need to come into compliance.
- Technical assistance that include sharing of program materials, referrals to other agencies or contractors, and guidance on best management practices ("BMPs") that should be used. Technical assistance should seek to provide the violator with options, when options are available.
- Oral notice that explains the nature of the violation and a time frame for remedy. Resolution of the violation should always be verified by a submittal from the violator proving the violation is remedied, windshield surveys, site visits, or records checks.

§ 11.5.4. All oral notices shall be given in person to the appropriate facility personnel. All instructions or requested remedies shall be oral, presented by phone or in person, to the appropriate facility manager and/or property owner to enhance conformance with the remediation instructions. Written documentation of these instructions shall be forwarded to the facility manager upon request. All oral notices of violation shall be recorded in the District's Work Order database.

§ 11.5.5. Notice of Violation (NOV); Exceptions.

§ 11.5.5.1. Except as otherwise provided, prior to the assessment of any civil penalty the District shall serve a notice of violation upon the owner (or Respondent) that:

- (a) Is served, either personally, by office or substitute service as those terms are defined in the Oregon Rules of Civil Procedure, or by certified or registered mail, return receipt requested, specifying the violation and stating that the District will assess a civil penalty if a violation continues or occurs after five days following receipt of the notice;
- (b) Shall be issued for the first occurrence of a documented Class I violation, or the repeated or continued occurrence of documented Class

II or III violations where NON has failed to achieve compliance or satisfactory progress toward compliance;

- (c) Is issued under the direction of the General Manager or designee;
- (d) May include a time schedule by which compliance is to be achieved;
- (e) May be issued for all classes of documented violations; and
- (f) Is consistent with the objectives in Section 11.3.

§ 11.5.5.2. The above notice shall not be required where the Respondent has otherwise received actual notice of the violation not less than five days prior to the assessment of civil penalty. No advance notice, written or actual, shall be required if:

- (a) the act or omission constituting the violation is intentional;
- (b) the violation would normally not be in existence for five (5) days;
- (c) the water pollution might leave or be removed from the jurisdiction of the District;
- (d) respondent received written notice with respect to any violation of the permit or order within 36 months of the alleged violation; or
- (e) the requirement to provide written notice would disqualify a state program from federal approval or delegation.

§ 11.5.6. Notice of Civil Penalty Assessment. In addition to any liability, duty or other penalty provided by law, the General Manager or their designee may assess a civil penalty for any violation of the District's statutes, regulations, permits or orders, as follows:

- (a) The District shall issue the written notice of assessment of civil penalty upon the Respondent using the procedure set forth in Section 11.5.5.1.
- (b) The amount of any civil penalty shall be determined through the use of matrices and formula contained in Section 11.6.
- (c) The Notice of Civil Penalty Assessment must comply with Oregon law related to notice and contested case hearings.
- (d) The penalty may be assessed for the occurrence of any class of documented violation, for any class of repeated or continuing documented violations or where a person has failed to comply with a notice of violation and intent to assess a civil penalty or other order or Stipulated Final Order.

§ 11.6. Civil Penalty Procedures. This sub-section describes the procedure for civil penalty determination as adopted by resolution by the District.

§ 11.6.1. No civil penalty issued by the General Manager or their designee pursuant to this matrix shall be less than one hundred dollars (\$100) or more than ten thousand dollars (\$10,000) for each day of each violation.

§ 11.6.2. When determining the amount of civil penalty to be assessed for any violation the General Manager or their designee shall apply the following procedures:

1. Determine the class of violation and the magnitude of violation.
  - (a) For each civil penalty assessed, the magnitude is moderate unless:
    - (b) The magnitude of the violation is major if the District finds that the violation had a significant adverse impact on human health or the environment. In making this finding, the District will consider all reasonably available information.
    - (c) The magnitude of the violation is minor if the District finds that the violation had no more than a de minimis adverse impact on human health or the environment and posed no more than a de minimis threat to human health or other environmental receptors. In making this finding, the District will consider all reasonably available information.
2. Choose the appropriate base penalty (BP) based upon the above finding;

	Major	Moderate	Minor
Class I	\$5,000	\$2,500	\$1,000
Class II	\$2,000	\$1,000	\$500
Class III	\$500	\$250	\$100

3. Starting with the base penalty (BP), determine the amount of penalty through the application of the formula  $BP + [(.1 \times BP) (P + H + E + O + R + C)]$  where:

"P" is determined by whether the Respondent has any prior significant actions relating to statutes, rules, orders and permits pertaining to environmental quality or pollution control.	
0	if no prior significant action or there is insufficient information on which to base a finding
1	if the prior significant action is one Class II or two Class III violations

2	if the prior significant action is one Class I or equivalent
3	if the prior significant actions are two Class I or equivalents
4	if the prior significant actions are three Class I or equivalents
5	if the prior significant actions are four Class I or equivalents
6	if the prior significant actions are five Class I or equivalents
7	if the prior significant actions are six Class I or equivalents
8	if the prior significant actions are seven Class I or equivalents
9	if the prior significant actions are eight Class I or equivalents
10	if the prior significant actions are nine Class I or equivalents determining the appropriate value for prior significant actions as listed above

In determining the appropriate value for prior significant actions as listed above, the District shall reduce the appropriate factor by:

2	if all prior significant actions are greater than three years old, but less than five years old
4	if all the prior actions are greater than five years old

In making the above reductions no finding shall be less than zero (0). Any prior significant action which is greater than ten (10) years old shall not be included in the above determination.

"H" is determined by the history of the Respondent taking all feasible steps or procedures necessarily appropriate to correct any prior significant actions.	
-2	if the Respondent took all feasible steps to correct any violation
0	if there is no prior history or insufficient information on which to base a finding
1	if the Respondent took some but not all feasible steps to correct a Class II or III violation

2	if the Respondent took some but not all feasible steps to correct a Class I violation
3	if no action to correct prior significant actions

"E" is the economic condition of the Respondent.	
-4 to -1	if economic condition is poor, subject to any significant economic benefit gained by Respondent through non-compliance
0	if there is insufficient information on which to base a finding, the Respondent gained no economic benefit through noncompliance, or the Respondent is economically sound
2	if the Respondent gained a minor to moderate economic benefit through noncompliance
4	if the Respondent gained a significant economic benefit through noncompliance

If the District finds that the economic benefit of noncompliance exceeds the dollar value of 4, it may increase the penalty by the amount of economic gain, if the penalty does not exceed the maximum penalty allowed by rule and statute.

In any contested case proceeding or settlement in which Respondent has raised economic condition as an issue, Respondent has the burden of providing documentary evidence concerning its economic condition. In determining whether to mitigate a penalty based on economic condition, the Hearings Officer or District may consider the causes and circumstances of Respondent's economic condition.

"O" is determined by whether the violation was a single occurrence or if it was repeated or continuous during the period resulting in the civil penalty assessment.	
0	if a single occurrence
2	if repeated or continuous

"R" is determined by whether the violation resulted from an unavoidable accident, or a negligent or intentional act of the Respondent.	
-2	if it was an unavoidable accident
0	if there is insufficient information to make any other finding
2	if negligent
4	if grossly negligent
6	if intentional
10	if flagrant

"C" is determined by the Respondent's cooperativeness in correcting the violation.	
-2	if Respondent is cooperative
0	if Respondent is neither cooperative nor uncooperative or there is insufficient information on which to base a finding
2	if violator is uncooperative

In addition to the factors listed in this Section of the Rules and Regulations, the General Manager or their designee may consider any other relevant rule or statute and shall state the effect the consideration had on the penalty. On review, Hearings Officer shall consider the factors contained in this section of the Rules and Regulations and any other relevant rule or statute.

### § 11.6.3. Petroleum Spills.

Persons causing oil spills to waters of the state within the jurisdiction of the District through intentional or negligent acts or omissions shall incur a civil penalty of not less than one hundred dollars (\$100) or more than twenty thousand dollars (\$20,000) per violation. The amount of the penalty shall be determined by doubling the values contained in the matrix in conjunction with the formula contained above. In determining whether to seek a civil penalty, the District shall consider the circumstances and enforcement efforts of other governmental agencies having jurisdiction.



§ 11.7. Memorandum of Agreement and Order (MAO). A Memorandum of Agreement and Order (MAO) is a formal enforcement action which is in the form of an agreement or consent order issued by the Board or General Manager or their designee that:

- (a) may be negotiated between the District and the subject party prior to or after any notice set forth above;
- (b) shall be signed by the General Manager or designee on behalf of the District and the authorized representative of the subject party; and
- (c) shall set forth action to be taken and set civil penalties. This may be issued for any class of violations.

§ 11.8. Other Remedies. The formal enforcement action as described in these sections in no way limits the District from seeking other legal or equitable remedies in the proper court as provided by Oregon or federal law.

§ 11.9. Right to Hearing.

§ 11.9.1. A civil penalty shall be due and payable twenty-one (21) days after Respondent is served with the penalty notice. The decision of the General Manager or the General Manager's designee to assess a civil penalty or other enforcement action or any violation pertaining to the District's statutes, regulations, permits, or orders shall be final unless the Respondent files a written Notice of Appeal and Request for Hearing with the District within 21 days from the date of service of the notice on Respondent. The Notice of Appeal and Request for Hearing shall contain the following:

- (a) The name of the Respondent and the case file number or permit number.
- (b) The name and signature of the Respondent and a statement that if acting on behalf of a partnership or corporation, that the person executing the Notice of Appeal is duly authorized to file such appeal and such person is the contact representative.
- (c) The date that the Civil Penalty Assessment or other formal enforcement was received by the Respondent.
- (d) The nature of the decision and the specific grounds for appeal.

§ 11.9.2. The appeal shall be limited to the issues raised in the Notice of Appeal. In the Notice of Appeal, the Respondent shall admit or deny all factual matters and shall affirmatively allege any affirmative claim and defense and reasons therefore.

§ 11.9.3. The hearing shall be conducted in accordance with ORS Chapter 183. The record of the hearing shall be considered by the District or Hearings Officer, who shall enter appropriate orders including the amount of civil penalty

assessed. Appeal of such orders may be taken by the Respondent as provided in Section 12.

§ 11.9.4. Notwithstanding the foregoing, nothing shall be construed to prevent the District from taking any other enforcement action or remedy available.

§ 11.10. Stop Work Order; Right of Entry.

§ 11.10.1. Erosion Control Violations. In addition to civil penalties described in Section 11.6, violations may be enforced by on-site control activities to mitigate existing violations and prevent future violations to the greatest extent possible, as follows:

- (a) Initial violations will result in a written description of requirements for repair of the problem and a time period for compliance as included in the initial notice.
- (b) If the repair is not performed, or violations continue, the inspector will issue a stop work order on the project, which will remain in effect until the violation is repaired to the requirements stated in these Rules and Regulations.
- (c) If the violation is not remedied or the person fails to commence diligently remedying the violation within 24 hours, the District may enter upon the property to abate the violation.
- (d) Notwithstanding anything herein to the contrary, if the District reasonably believes the violation constitutes an emergency or other circumstance requiring immediate action, the District may take reasonable and necessary remedial action with or without notice to the owner as deemed appropriate by the District considering the circumstance.

§ 11.10.2. Notwithstanding anything herein to the contrary, if the District reasonably believes the violation constitutes an emergency or other circumstance requiring immediate action, the District may take reasonable and necessary remedial action with or without notice to the owner as deemed appropriate by the District considering the circumstance.

§ 11.10.3. Any costs incurred by the District to remedy a violation shall be paid by the owner.

§ 11.10.4. If the required repairs are not completed within the specified time frame or if violations continue that require additional site visits, additional daily charges described in Section 11.6 will be assessed to the owner of the property.

§ 11.11. Abatement. Nothing herein shall prevent the District, following five (5) days written notice to the discharger, and discharger's failure to act, from entering upon the

property and disconnecting, sealing, or otherwise abating any unauthorized connection to the stormwater or system discharger violating any permit, these Rules and Regulations, or water quality standards. As part of this power, the District may perform tests upon the property to trace sources of water quantity or water quality violation.

§ 11.12. Compromise or Settlement of Civil Penalty. At any time, subsequent to service of a written notice of assessment of civil penalty, the General Manager or their designee may compromise or settle any unpaid civil penalty at any amount that the General Manager or their designee deems appropriate. Any compromise or settlement executed by the General Manager or their designee shall be final. In determining whether a penalty should be compromised or settled, the General Manager or their designee may consider the following:

- (a) new information obtained through further investigation or provided by Respondent which relates to the penalty determination factors;
- (b) the effect of compromise or settlement on deterrence;
- (c) whether Respondent has or is willing to employ adequate means to correct the violation or maintain compliance;
- (d) whether Respondent has had any previous penalties which have been compromised or settled;
- (e) whether the compromise or settlement would be consistent with the District's goal of protecting the public health and environment as set forth in Section 11.3;
- (f) the relative strength or weaknesses of the District's case.

§ 11.13. Stipulated Penalties. Nothing in these Rules and Regulations shall affect the ability of the District to include stipulated penalties in a MAO or any other agreement.

§ 11.14. Appointment of Hearings Officer. For any contested case hearing, the District, through the General Manager or their designee, may appoint a hearings officer to determine all issues.

§ 11.15. Collection of Civil Penalty. Procedures for the enforcement of the civil penalty shall be as follows:

§ 11.16. Time Limit: Any civil penalty is final unless appealed pursuant to Section 12 and may be entered as a judgment in the Circuit Court. The penalty shall be paid in full within twenty-one (21) days of the date the decision is final. Payment shall be made either in cash or by certified check made payable to the District.

§ 11.17. Relief in Circuit Court: If full payment is not made, the District may take further action for collection and/or cause service to be terminated. Alternatively, counsel for the District may, following the authorization of such action by the District, commence an action for appropriate legal and/or equitable relief in the Circuit Court.

§ 11.18. Notwithstanding the foregoing administrative hearing processes, nothing in this Subsection shall prohibit the District from commencing civil action in the Circuit Court for injunction or other relief or seeking imposition of civil penalties described above by the court.

## **§ 12 VARIANCES AND APPEALS**

§ 12.1. Purpose. This Article provides processes for variances and appeals for meeting requirements under the Rules and Regulations.

§ 12.2. Variance Requests: Under the variance process, any person may request a variance to the requirements in these Rules and Regulations. The Board delegates to the General Manager or their designee decisions on requests for variance.

§ 12.2.1. The variance process includes a letter to the General Manager from the permittee that describes the following:

- (a) A description of the project or action specific to the Rules and Regulations.
- (b) A description or summary of what is required per the Rules and Regulations.
- (c) An alternate proposal that documents and describes the variance request and clearly describes the water quality and quantity equivalency to the Rules and Regulations.

§ 12.2.2. The District shall review and respond in writing to the Permittee within 2 weeks the decision to approve or deny a Variance Request. Should the permittee choose to appeal this decision, the formal Appeal process shall occur.

§ 12.3. Exemption Requests:

§ 12.3.1. Under the Exemption process, any person may request an exemption to the requirements of the Rules and Regulations. The Board delegates to the General Manager or their designee decisions on requests for exemption from the District's requirements.

§ 12.3.2. The Exemption Request process includes a letter to the General Manager or their designee from the permittee that describes the following:

- (a) A description of the project or action specific to the Rules and Regulations.
- (b) A description or summary of what is required per the Rules and Regulations.
- (c) A clear and technical reason why an exemption would be appropriate, and how providing an exemption would address water quality and quantity requirements of the Rules and Regulations.

§ 12.4. Appeals.

§ 12.4.1. Appeals to General Manager or their Designee: Except for violations and enforcement matters, which are addressed in Section 11.9, any person aggrieved by ruling or interpretation (decision) of the provisions of these Rules and Regulations may submit a written appeal to the General Manager or their designee. The appeal letter and associated fee (see District's Fee Schedule) must be submitted within fourteen (14) days after the decision was made. The appeal shall be in writing and shall set forth the events and circumstances leading to the appeal, the nature of the impact of the ruling on the appellant, together with any other reasons for the appeal. The General Manager or their designee shall make a written decision within thirty (30) days of written notification of appeal. If the appeal is broad in nature, the General Manager or their designee may refer the appeal to the Board. If the appellant chooses to appeal the decision of the General Manager or the Board, the General Manager or their designee shall appoint a hearings officer to decide the appeal.

§ 12.4.2. Hearings Officer: The hearings officer appointed pursuant to section 11.14 shall set a *de novo* hearing on the matter at which he or she will take testimony and hear arguments. The General Manager or their designee shall give notice of the time and place for the hearing to the appellant, the applicant, and all property owners within 250 feet of the subject property. The notice called for in this section shall be given by First Class mail, postage prepaid, at least fourteen (14) days in advance of the time scheduled for the hearing. Only persons who have been aggrieved by the General Manager's decision or their designee's shall have standing to participate in the hearing. The hearings officer shall issue written findings and a decision on the appeal within thirty (30) days after the *de novo* hearing, with copies to the Board, all persons who participated in the hearing, and those persons who have requested a copy.

§ 12.5. Circuit Court Review: Decisions of the General Manager or their designee, Hearings Office or their Designee shall be reviewable by the Circuit Court of the State of Oregon for Clackamas County, solely and exclusively under the provisions of ORS 34.010 to 34.100.

## **§ 13 ADOPTION OF NEW OR AMENDED RULES AND REGULATIONS**

§ 13.1. The Board of Directors of Oak Lodge Water Services District may promulgate new or amended rules pertaining to these rules or regulations. Such rules and regulations shall be adopted in a meeting of the governing Board of Directors by ordinance.

§ 13.2. The Fee Schedule for furnishing services, installation of meters, service pipes, main extensions, etc., may be revised in the interest of the District. Any revisions to the Fee Schedule shall adopted by the Board in accordance with Oregon law.

§ 13.3. Adoption of Revised Appendices. The Board of Directors of Oak Lodge Water Services District may adopt revisions to the appendices of these Rules and Regulations by Ordinance in a legally called meeting of the governing Board of Directors by motion duly made, seconded, and passed.

## **§ 14 MISCELLANEOUS PROVISIONS**

§ 14.1. Severability. If any provision of these Rules and Regulations is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

§ 14.2. Titles Not Part of Text. Titles of chapters or sections of these Rules and Regulations are not a part of the text of the sections. The titles are for indexing and locating convenience only.

END OF DOCUMENT

**BEFORE THE BOARD OF DIRECTORS  
OF  
OAK LODGE WATER SERVICES DISTRICT**

AN ORDINANCE ADOPTING     )  
THE DISTRICT’S RULES AND    )  
REGULATIONS                    )

ORDINANCE NO. 18-01

WHEREAS, by this Ordinance, the District adopts the Oak Lodge Water Services District Rules and Regulations attached hereto as Exhibit 1 and incorporated by reference, to be effective as of the date specified below; and

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE OAK LODGE WATER SERVICES DISTRICT THAT:

Section 1. This Ordinance shall be known as the Oak Lodge Water Services District Rules and Regulations attached as Exhibit 1 and incorporated by reference is hereby adopted.

Section 2. Pursuant to ORS 198.540, this ordinance was read at regular meetings of the Board of Directors on two different days at least six days apart and prior to the adoption thereof.

Section 3. This Ordinance was adopted by at least the affirmative vote of a majority of the members of the Board of Directors of Oak Lodge Water Services District at a public meeting and was attested to by the Secretary. The Secretary of the Oak Lodge Water Services District is instructed to cause this Ordinance to be filed in the Records of the Oak Lodge Water Services District and to file a certified copy of this Ordinance with the County Clerk.

Section 4. This Ordinance shall take effect at 12:01 a.m. Pacific Daylight time on March 21, 2018 being at least 30 days from the date of its adoption.

INTRODUCED AND READ at a regular meeting of the Board of Directors on January 16, 2018 and read for a second time at a regular meeting of the Board of Directors on February 20, 2018 and adopted.

Dated this 20<sup>th</sup> day of February 2017.

OAK LODGE WATER SERVICES DISTRICT

BY: \_\_\_\_\_  
Board President

ATTEST: \_\_\_\_\_  
Secretary



**OAK LODGE**  
WATER SERVICES  
**STAFF REPORT**

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**To:** Board of Directors  
**From:** Jason Rice, District Engineer  
**Agenda Item:** 2018 Water Master Plan  
**Item No.:** 5  
**Date:** February 20, 2018

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**Action Requested**

Authorize the General Manager to sign an Engineering Services Agreement for providing a Water System Master Plan with Water Systems Consulting in the amount of \$185,720.

**History**

June 2017 The District Board adopted the 2018-2023 Capital Improvement Plan and the 2018/19 Budget, including the 2018 Water Master Plan.

**Background**

The current 2018-2023 Capital Improvement Plan identifies a new Water System Master Plan to begin in the 2018 Fiscal Year. The Water System Master Plan is used to determine existing system deficiencies and needed water improvements by evaluating future water demand for forecasted growth and expected development. The District's Current Water Master Plan, completed in 2008 by Carollo Engineers, is outdated and an update to the plan is needed.

Key elements of the Water Master Plan Update include a new hydraulic model of the water system that will integrate with the District's GIS mapping system and can be updated as improvements to the system are made. Other key elements include water demand, storage and supply forecasting, emergency water supply analysis, water system capital improvement plan, a water system development charge update and water rate study.

During the Request for Proposal (RFP) advertisement, the Oregon Administrative Rules for water providers to prepare a Water System Master Plan (OAR 333-061-0060) were amended. The most meaningful revision is a requirement that master plans address seismic resiliency. To address this requirement staff needed to add this task to the final scope.

The goal of this project is to have a complete Water Master Plan that provides a clear roadmap for the District to make smart and informed decisions as a sustainable and reliable water service provider to our rate payers.

The 2018 Water Master Plan Update RFP was advertised on January 10<sup>th</sup> and 12<sup>th</sup>, 2018. The District received three proposals (Water Systems Consulting, RH2 Engineering and Murry Smith and Associates), which were evaluated by a team of four District Staff and one District Board Member.

Water Systems Consulting (WSC) was deemed by the selection committee to have best demonstrated their ability to provide the District Water Master Planning Services and a proven history of providing such service to other public agencies. Once selected by the group, staff began to negotiate the cost for WSC to provide the services listed in the proposed scope included in the RFP.

The initial cost estimate provided by WSC was \$257,445; however, after clarifying conversations, WSC negotiating with sub-consultants and scope refinement, both district staff and WSC staff landed on \$185,720 to complete the task.

Although the company WSC does not have experience working with Oak Lodge, their project team includes Nicki Pozos PE, who helped write the District's previous Water Master Plan, and FCS Group who has worked with the District in the past.

WSC is expected to begin the Water Master Plan by March 1, 2018 by gathering data to analyze the District's water system. The final Master Plan will be completed in one year from the start of the month with Board adoption scheduled for February 2019.

### **Concurrence**

Technical Services staff coordinated with Water Operations during development of the RFP and review of the received proposals.

### **Fiscal Impact**

This project is part of the FY18 Budget. The approved Water Fund Budget includes \$150,000 for this project; however, it is likely that approximately \$60,000 would be spent by the end of this fiscal year and the remaining contract balance will need to be added to the FY19 Budget.

### **Work Load Impacts**

The Water Master Plan project can be accommodated within existing workloads. Technical Services staff will provide management of the consulting engineering for the duration of the project. Operations staff will assist with data gathering and flow testing for calibrating the hydraulic model.

### **Suggested Board Motion**

*“I move to approve our General Manager to sign an Engineering Services Agreement with Water Systems Consulting in the amount of \$185,720.”*

### **Attachments**

1. 2018 Water System Master Plan Scope and Fee Schedule
2. Project Schedule



2/12/2018

Jason Rice  
District Engineer  
Oak Lodge Water Services District  
14611 SE River Road  
Oak Grove, OR 97267

**SUBJECT: SCOPE AND FEE TO CONDUCT THE 2018 WATER MASTER PLAN UPDATE**

Dear Mr. Rice,

Oak Lodge Water Services District needs a Water Master Plan Update that considers future water service commitments and build-out, including both area-specific water quality needs and system operations and maintenance priorities. The Master Plan should effectively leverage relevant past planning efforts, including the 2008 Water Master Plan. We appreciate the opportunity to submit the attached scope and fee for \$185,720.

We are confident that we are the right team for the job, and would greatly appreciate the opportunity to continue our working relationship with the District through this important project. If you have any questions or would like to discuss any aspect of our proposal, scope, or fee further, please contact Scott Duren at (503) 419-6336, ext 400 ([sduren@wsc-inc.com](mailto:sduren@wsc-inc.com)) or Jeroen Olthof at (858) 397-2617, ext. 301 ([jolthof@wsc-inc.com](mailto:jolthof@wsc-inc.com)).

Thank you for this opportunity, and we look forward to your response.

Sincerely,

Water Systems Consulting, Inc.

A handwritten signature in black ink, appearing to read "SDuren", written over a light gray rectangular background.

Scott Duren, PE  
Project Manager

A handwritten signature in black ink, appearing to read "Jeroen Olthof", written over a light gray rectangular background.

Jeroen Olthof, PE, MBA  
Principal in Charge

## SCOPE OF SERVICES

### TASK 1.0 PROJECT MANAGEMENT

#### 1.1 Project Administration

- Prepare Project Administration Plan template for use in guiding progress and schedule discussions, capturing action items, and documenting decisions. A draft template will be provided prior to the project kickoff meeting and updated biweekly to keep the District PM informed on the progress of the project.
- Provide project administration and coordination, including the management of subconsultants, and the preparation of monthly progress reports submitted with invoices.

#### 1.2 Coordination Meetings

- Prepare materials for and facilitate biweekly project progress meetings. A total of 24 meetings will be held over the duration of the project.

#### 1.3 Quality Assurance and Quality Control (QA/QC)

- Perform quality control reviews of all deliverables to the District.

#### Task 1.0 Assumptions

- Biweekly progress meetings will be an average of 30 minutes in duration, and will be held at either the District office or via telephone.
- Project Administration Plan updates will be submitted electronically.

*Deliverables: Project Administration Plan (updated biweekly), Meeting agendas & handouts, meeting summaries, monthly progress reports*

### TASK 2.0 DATA GATHERING

#### 2.1 Project Kick-off Meeting

- Prepare and submit a data request log to the District for review prior to the kick-off meeting.
- Plan and lead a project kick-off meeting with key project stakeholders. The kick-off meeting will capture critical success factors for the project, review available data sources, project schedule, and identify responsibilities for both WSC and the District.
- Summarize key decisions and action items in meeting minutes.

#### 2.2 Conduct Staff Interviews

- Interview District staff regarding the operation and maintenance of the system to determine the existence of known deficiencies, if any.
- Visit specific facilities with District personnel to collect information on current configurations, or other data necessary for the proposed work.

#### 2.3 Collect and Review Data

- Prepare data request letters for adjacent water providers, Clackamas County, and other sources with additional data that may be required to complete the water master plan update.

- Review relevant documents provided by the District, including: (1) 2008 Water Master Plan, (2) Water Management and Conservation Plan, (3) Water Rights Documentation, (4) billing data, (5) Projections of future population growth and areas expected for development, (6) Capital and operating budgets and fund balances.

#### **2.4 Develop System Evaluation Criteria**

- WSC will develop a draft set of criteria to be used in evaluating the water system. Expected criteria include: (1) Source of supply (available supply source in relation to expected demands), (2) Required fire flows (based on land use or zoning categories), (3) Hydraulic performance (minimum and maximum pressures, maximum velocities, required storage volume, required pumping capacity), (4) Water quality (existing levels, current regulatory standards, and expected future regulatory standards for relevant constituents), (5) Power reliability (expected emergency power outage scenario).
- WSC will review the draft criteria with the District and develop final criteria for use in system evaluation.

#### **2.5 Level of Service Workshop**

- Conduct a Level of Service workshop (to be led by B&W) with District staff to identify the desired community levels of service.
- Document findings from Level of Service workshop in meeting minutes and brief technical memorandum.
- Present findings from Level of Service workshop, and proposed draft Level of Service standards, to District Board.
- Finalize technical memorandum with comments from staff review and input from the Board.

#### **2.6 Prepare Draft Chapter 1 – Water System Description**

- Prepare a draft update to Chapter 1 of the Water Master Plan, including all findings from meetings, interviews, and data gathering.
- Conduct a review meeting with District to discuss any comments on the draft Chapter 1.
- Revise draft chapter to reflect resolution of any District comments or concerns identified during the review process.

#### **Task 2.0 Assumptions**

- B&W will lead development of workshop materials, workshop facilitation, technical memorandum preparation, and development of meeting notes.
- Staff interviews will be limited to one half-day (4 hours) and will occur on the same day as the kick-off meeting.

*Deliverables: Draft Chapter for Water System Description, Kick-off Meeting Agenda and Minutes, Level of Service TM*

### **TASK 3.0 SUPPLY, DEMAND, AND STORAGE**

#### **3.1 Develop Growth Projections**

- Develop a spatially allocated estimate of future growth, quantified in appropriate units to be determined with the District (equivalent population, square feet of development, or acres of developed land).

### 3.2 Develop Demand Projections

- Use individual water meter billing data to characterize existing water demands. Water meter billing data will be spatially allocated with GIS to calculate demands across the District service area.
- Develop a diurnal curve for typical demand fluctuations throughout the day during the maximum day scenario.
- Estimate timeline to build-out and estimate demand at buildout.
- Analyze data to develop system-wide average day, maximum day, and peak hour demand values.

### 3.3 Quantify Available Supply

- Summarize the District's available sources of supply within each zone, including storage reservoirs.
- Estimate future changes in the available supply from these sources, if any, and prepare a summary of the District's current and planned sources.
- Identify any constraints in the full utilization of the District's sources of supply.
- Review existing data collection methods to determine the accuracy of methods used and the potential impact on quantification of available supply.

### 3.4 Quantify Storage Requirements

- Calculate the current and required future storage volume in each pressure zone to meet the system evaluation criteria. WSC will prepare a comparison of these storage requirements to actual volumes available.

### 3.5 Identify Deficiencies in Supply and/or Storage

- Summarize deficiencies in supply availability or storage volume for each zone.

### 3.6 Prepare Draft Supply, Demand, and Storage Chapter

- Prepare a draft update to the appropriate chapter(s) of the Water Master Plan, including all findings for existing and future demand, and any supply and/or storage deficiencies.
- Conduct a review meeting with District to discuss any comments on the draft Chapter.
- Revise draft chapter to reflect resolution of any District comments or concerns identified during the review process.

*Deliverables: Draft Chapter for Supply, Demand, and Storage*

## TASK 4.0 HYDRAULIC MODEL AND ANALYSIS

### 4.1 Construct New Model from District GIS Data

- Create an updated system-wide model using the District's GIS database. The 2008 model will be used as a reference, but the 2008 model was developed using a simplified representation of the distribution system. Having a new model based on the District's GIS database will allow the calculation of available fire flow at each hydrant, and will provide consistency in pipe segment definitions between the GIS database, the model, and the District's computerized maintenance management system (CMMS). After reviewing the existing 2008 model and the District's GIS data, WSC feels that this approach will be the most cost-effective method for creating an updated system-wide model that supports future decision making by the District.
- Apply water demand scenarios and diurnal use curves developed in Task 3.2 to the updated model.

### 4.2 Hydrant Testing

- Review historical fire flow data provided by the District.
- Prepare a hydrant testing plan documenting up to six (6) locations for fire hydrant testing. The final location and number of hydrant tests to be performed will be developed in coordination with the District, but will attempt to minimize the required number of hydrants to be tested and water loss. Test locations will consider hydraulics of the system as well as practical matters such as potential for flooding or damaging property during the tests.
- Perform fire hydrant flow testing in coordination with the District's water system operators. Remote data loggers, if available, will be used to capture multiple pressure readings in the same zone during the fire hydrant testing. WSC assumes the District will provide data loggers and gages, diffusers with dichlorination ability, and operate all system valves (including hydrants).
- Coordinate system boundary conditions with the District's SCADA system (pump settings, well settings, tank levels, etc.)

### 4.3 Model Calibration

- Calibrate the hydraulic model to observed conditions during steady-state conditions. In coordination with District staff, use results of fire flow tests performed by the District to adjust pipe roughness factors, control scenarios, or minor losses to achieve results as close as possible to a target goal of five percent of field observations for flow and pressure.
- Calibrate the hydraulic model to observed conditions during Extended Period Simulation conditions. Use hourly SCADA data provided by the District to calibrate the model for Average Day and Maximum Day conditions to achieve acceptable agreement between model results and observed test results for pressure, flow, and levels.
- Discuss calibration results with District staff and summarize the model adjustments that were made.



#### 4.4 Create Model Scenarios for Existing and Future Conditions

- Create scenarios in the hydraulic model to represent existing and future conditions, using the updated demand projections. WSC assumes developing two future scenarios, one near term (e.g., 2020 or 2025) and one longer term.

#### 4.5 Run Model Simulations

- Use the updated model scenarios to evaluate the distribution system and compare the modeled performance to the evaluation criteria.
- Identify deficiencies in the system's ability to meet the evaluation criteria.
- Incorporate previously identified improvements into the system analysis, if the District provides information about currently planned improvement projects that should be included.

#### 4.6 Identify and Evaluate System Improvements

- Identify draft system improvements to allow the system to meet the evaluation criteria, review these with District staff, and make one round of adjustments to reflect input from District staff.
- Create scenarios in the hydraulic model to reflect the incorporation of the selected system improvements.
- Develop estimated construction costs and O&M costs for each system improvement.

#### 4.7 Develop Capacity-Driven Project List

- Compile the identified system improvements into a 20-year CIP. WSC will prepare tables and maps showing the proposed system improvements, their estimated construction cost, the estimated timeframe for implementation, and trigger points for implementation, where appropriate.

#### 4.8 Prepare Draft Hydraulic Model and Analysis Chapter

- Prepare a draft update to the appropriate chapter(s) of the Water Master Plan, describing development and calibration of the hydraulic model and the evaluation of the distribution system.
- Conduct a review meeting with District to discuss any comments on the draft Chapter.
- Revise draft chapter to reflect resolution of any District comments or concerns identified during the review process.

#### Task 4.0 Assumptions

- District will provide calibrated equipment and staff support necessary to conduct hydrant testing for the purpose of verifying the hydraulic model.
- Hydrant testing will be limited to a maximum of two tests per pressure zone, and will be completed during a single 8-hour day.

*Deliverables: Draft Chapter for Model Development and Analysis*

## TASK 5.0 ASSET DATABASE AND REPAIR AND REPLACE PROJECTS

### 5.1 Develop Asset Database

- Establish an asset hierarchy with input from District staff, to capture and track condition data for individual assets within the water system.

- Coordinate asset hierarchy development to be compatible with Lucy computerized maintenance management system (CMMS) to be expanded for water system assets.
- Assist in uploading asset database into Lucy for use in tracking work orders, repairs, and condition for water system assets.

## 5.2 Define Repair and Replace Projects

- Interview operators and review repair data to identify pipe replacement projects required to address poor condition.
- Prepare tables and maps showing the proposed system improvements, their estimated construction cost, the estimated timeframe for implementation, and trigger points for implementation, where appropriate.
- Develop CIP for Repair and Replacement Projects, including cost estimates and anticipated scheduling for the 20-year planning period.

## 5.3 Prepare Draft System Condition Chapter

- Prepare a draft update to the appropriate chapter(s) of the Water Master Plan, describing the asset database and development of condition-driven improvement projects.
- Conduct a review meeting with District to discuss any comments on the draft Chapter.
- Revise draft chapter to reflect resolution of any District comments or concerns identified during the review process.

*Deliverables: Draft Chapter for Condition Based CIP*

## TASK 6.0 EMERGENCY SUPPLY AND SEISMIC RESILIENCY

### 6.1 Identify Locations for Emergency Interties

- Develop conceptual locations for emergency interties with adjacent water providers.
- Apply Level of Service criteria to determine necessary sizing and timing of emergency interties.
- Prepare conceptual designs of the necessary facilities for use in estimating capital improvement costs.
- Rank potential interties based on the benefits provided to the District relative to the cost and probable reliability during various emergency conditions.
- Provide written recommendations for potential emergency intertie locations.

### 6.2 Identify Critical Water Supply Locations/Infrastructure

- Develop a map of critical water supply facilities and customers, including interties, reservoirs, pump stations, and supply points.
- Identify critical water customers including hospitals, assisted living facilities, emergency shelters, and other essential facilities

### 6.3 Identification of Seismic Geohazards

- Compile and review existing geologic/geotechnical and seismic data to develop a conceptual understanding of subsurface conditions and potential seismic hazards.

- Conduct a probabilistic seismic hazard assessment to evaluate the regional and local seismic hazard contribution, and potential earthquake sources and scenarios.
- Conduct geotechnical field reconnaissance for critical reservoirs and pump stations.
- Verify and adjust regional seismic hazard maps to identify potential soil liquefaction zones, seismic landslide zones, lateral spreading zones, and critical transition zones.

#### **6.4 Evaluate Critical Facility Risk**

- Identify critical facilities in areas subject to Geohazards and assign the probability of losses from a seismic event, based on available information including record drawings, GIS attributes, and staff system knowledge.
- Conduct a fragility analysis for critical pipelines located within high risk geohazard areas.

#### **6.5 Develop Seismic Mitigation Plan**

- Develop a list of projects to address critical assets located in high risk areas to minimize water loss from each facility during or immediately following a seismic event.
- Describe additional studies necessary to identify retrofits to critical facilities for improving seismic resiliency.
- Develop CIP list for seismic mitigation projects and studies.

#### **6.6 Prepare Draft Seismic Resiliency Chapter**

- Prepare a new draft chapter for the Water Master Plan, including all findings for seismic risks and deficiencies.
- Conduct a review meeting with District to discuss any comments on the draft Chapter.
- Revise draft chapter to reflect resolution of any District comments or concerns identified during the review process.

*Deliverables: Chapter for Seismic Resiliency CIP*

## **TASK 7.0 WATER QUALITY AND REGULATORY COMPLIANCE**

### **7.1 Draft Water Quality and Regulatory Compliance Chapter**

- Prepare a draft update to Chapter 6 of the Water Master Plan, including any new regulations that apply to the District's system since the previous document was published.
- Conduct a review meeting with District to discuss any comments on the draft Chapter.
- Revise draft chapter to reflect resolution of any District comments or concerns identified during the review process.

*Deliverables: Chapter for Water Quality and Regulatory Compliance*

## **TASK 8.0 STAFFING LEVEL ANALYSIS**

### **8.1 Staffing Analysis Technical Memorandum**

- Review O&M budget and current staffing.

- Conduct interviews and gather information about current staffing levels and job responsibilities.
- Contact similarly sized water utilities to determine staffing levels and the functions that are performed.
- Normalize staffing levels of similarly sized utilities based on factors such as number of assets maintained, overall system size, overall service area, and other factors that could be used to compare with the District's staffing levels.
- Summarize written findings and develop recommendations for potential staffing level changes, if necessary.
- Participate in a conference call to discuss District comments on recommendations, and revise findings or recommendations for use in the financial forecast.

#### **Task 8.0 Assumptions**

- FCS will conduct interviews during kick-off meeting or by phone.

*Deliverables: Draft Chapter for Staffing Recommendations*

## **TASK 9.0 SYSTEM DEVELOPMENT CHARGE AND RATE STUDY**

### **9.1 Complete Revenue Requirement Forecast**

- Review current District fiscal policies, or suggest appropriate assumptions.
- Incorporate CIP into the forecast model.
- Develop a capital funding strategy to provide funding for planned capital costs.
- Build the annual revenue requirement forecast, identifying overall rate increases needed to support the levels of debt and reserves called for in the capital funding strategy.

### **9.2 Cost-of-Service Analysis and Rates**

- Collect, validate, and analyze customer usage and billing statistics.
- Compare calculated revenue with actual revenue, and if difference is greater than two percent, work with District to reconcile or explain the difference.
- Analyze system assets by function.
- Allocate costs by function, and then by customer class.
- Prepare recommended rate shifts based on the relative cost of serving each customer class.
- Develop recommended rate tables.
- Prepare comparative survey of utility rates.
- Perform an affordability test for residential customer rates, both against existing and forecasted future rates.

### **9.3 Update Water Systems Development Charge (SDC)**

- Develop growth projections and equivalent residential units (ERUs) for use in the SDC calculation.
- Calculate the reimbursement cost basis, using historical net asset costs after contributed capital.

- Calculate the improvement fee cost basis, using the projected capital expenditures for capacity improvements.
- Calculate adjustment to the cost bases necessary to comply with Oregon SDC statute.
- Calculate the Water SDC.

#### 9.4 Review Meeting

- Lead a meeting with the District to review the overall results of the rate study and SDC update, in advance of drafting the financial analysis chapter for the Water Master Plan.
- Incorporate requested changes from the review meeting into the forecast and rate model.

#### Task 9.0 Assumptions

- Scope assumes the existing rate structure will remain consistent, and evaluation of potential alternative rate designs will not be required.

*Deliverables: Draft Chapter for Financial Analysis*

### TASK 10.0 WATER SYSTEM MASTER PLAN

#### 10.1 Draft Water System Master Plan

- Combine previously written draft chapters into a consolidated Draft Water System Master Plan.
- Prepare Executive Summary and Draft CIP Chapters, summarizing previous findings.
- Develop and prepare appendices for the document.

#### 10.2 Final Water System Master Plan

- Conduct a review meeting to review comments and concerns on Draft Water System Master Plan.
- Incorporate resolution to all comments and concerns into a Final Water System Master Plan.

#### 10.3 Public Meetings

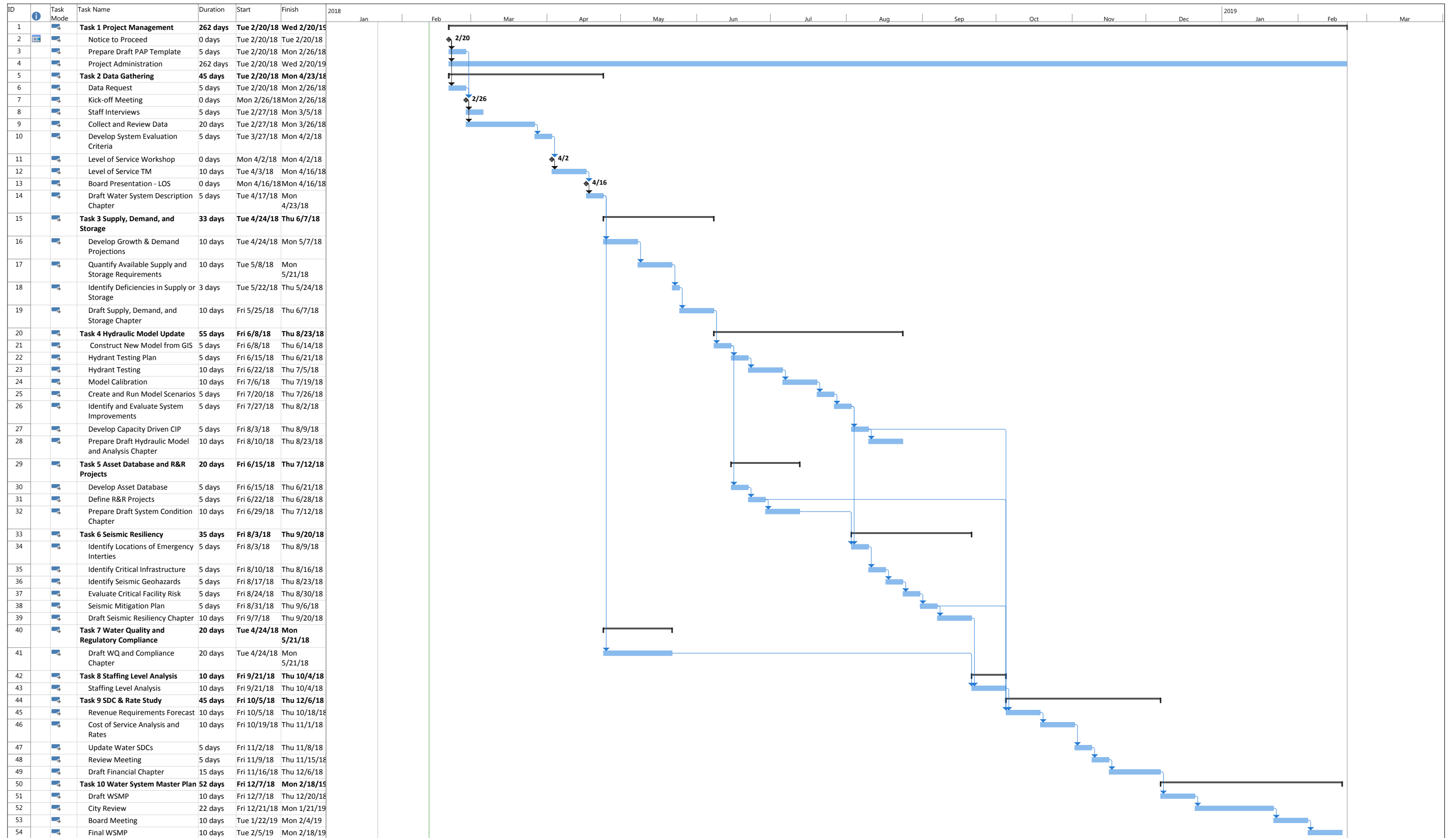
- Attend one Board meeting to summarize the Draft Water System Master Plan, including any updates from the previous 2008 document.
- FCS will present the results of the rate study and SDC update to the District Board.

#### Task 10.0 Assumptions

- FCS will present rate results at the same Board meeting as the Draft WSMP presentation.

*Deliverables: Draft and Final Water System Master Plan, including three (3) hard copies*





Project: Schedule  
Date: Mon 2/12/18

Task		Summary		Inactive Milestone		Duration-only		Start-only		External Milestone		Manual Progress	
Split		Project Summary		Inactive Summary		Manual Summary Rollup		Finish-only		Deadline			
Milestone		Inactive Task		Manual Task		Manual Summary		External Tasks		Progress			



## STAFF REPORT

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**To:** Board of Directors  
**From:** Sarah Jo Chaplen  
**Agenda Item:** Request for OLWSD Representative on Concord Community Stakeholders (CCS) organization  
**Item No.:** 6  
**Date:** February 14, 2018

### **Action Requested**

OLWSD Board become a member of the Concord Community Stakeholders Organization and select a representative.

### **Background**

There are currently sixteen activated groups which make up CCS. A request has been made that OLWSD become number seventeen. The focus of the group is to ensure participating involvement of Oak Lodge residents in the repurposing of the Concord School and grounds and the County's formal planning process.

### **Suggested Board Motion**

*"I move that the Board be represented as part of the Concord Community Stakeholders."  
"I move that the Board appoint Board member "x" to represent the Board."*

### **Attachments**

1. Concord Property FAQs.
2. Concord Community Stakeholders membership list.



## CONCORD PROPERTY FAQs

*Submitted by The Concord Partnership*

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### ***Why is the Concord property important?***

Sentiments expressed in numerous citizen comments since the school was closed speak to the importance of the Concord property to the local community. Concord School could be considered Oak Lodge's most valuable property asset. It's the community's most prominent historic landmark, symbolizing cultural heritage and identity and its long legacy as an institution of learning, gathering and sharing, and representing the very roots of the community. It now presents an opportunity to continue its legacy of community support through preservation and reuse of the school building and grounds in ways that benefit social interactions, personal development and livability by providing needed public spaces and services. As Rein Vaga, North Clackamas School Board Chair, so eloquently stated, "*Concord School is the heart and soul of this community.*"

### ***How large is the Concord property, and how large is the school building?***

The school building is 47,500 sq. ft. on 6 acres.

### ***What makes Concord School historically significant?***

Concord's legacy dates back to 1856 when a newly-formed and larger school district built its first school near the Willamette River, serving settlements on both sides of the Willamette, and between Milwaukie and the Clackamas River. In 1890, the first of three schools bearing the name "Concord" was built at the current site. The New Deal Era building that now stands as a landmark was built in 1936. From the beginning, the school served more than just the educational needs; it was also the first community gathering place between Milwaukie and the Clackamas River. This long legacy of community support lasted until its closure in 2014.

### ***Who is Restore Oregon and what is their interest in the Concord property?***

Restore Oregon is a non-profit organization whose mission is to "preserve, reuse and pass forward, the historic places that make our communities livable and sustainable." Their strategies for addressing a wide range of historic resources have evolved over several decades. Restore Oregon's involvement is focused on working cooperatively with interested communities, citizen groups and property owners in applying flexible preservation tools, and supporting practical strategies for keeping historic properties economically sustainable. Concord School was successfully nominated by The Concord Partnership (TCP) for Restore Oregon's 2016 Most Endangered Places list. Concord's listing was recently extended for a third year.

### ***Has the community shown interests in preserving Concord School?***

In January 2015, North Clackamas School District (NCS D) began a public process that led to a decision in March 2017 to trade Concord to North Clackamas Parks and Recreation District (NCPRD). Their decision was influenced by comments from local citizens and community groups advocating for preserving and reusing the school for community purposes. Comments spoke of needs for public spaces and services, and many suggested ideas for reusing the property. The Concord Partnership (TCP) was formed to represent the community values, exploring the feasibility of commonly-suggested ideas, advocating for preservation of historic character and open space, and coordinating local involvement in NCS D's decision process.

### ***What ideas for reusing the property have been explored, and where did these ideas come from?***

The Concord Partnership held community meetings to test the popularity of commonly-suggested types of uses that could fit the roles of organizations that expressed interests in occupying the property. The outcome of these meetings formed the basis for TCP's further study of certain uses, including indoor and outdoor recreation, community center uses (gathering, meeting and activity spaces, social services, classrooms, etc.), early childhood learning programs, an art center with classrooms and studio spaces, a boys and girls club, and a public library. A proposal for a separate library building on the school grounds was introduced later, and was not part of TCP's studies. Marylhurst School's proposal to occupy the school building also came later.

***Are ideas for reusing the property feasible? Are there any professional assessments of the ideas?***

The most detailed studies of potential property uses are represented in TCP's architectural study for the Concord building. An architect with experience in repurposing historic buildings and designing libraries was hired by TCP to study the feasibility of ideas derived from public comments. The architect determined how building uses could fit well and complement each other, with interior remodeling, while preserving exterior historic character. The resulting report illustrates floor plans for three mixed use concepts. (See the architect's report, "Concord School Reuse Study," at [concordpartnership.org](http://concordpartnership.org))

Marylhurst School staff have shared preliminary information supporting their proposal to occupy the property. The proposal for a separate library building has not yet been spatially studied or illustrated; however, preliminary information addressing building space needs, comparative costs of other libraries, and available funding, has been compiled by local library advocates. No site planning for the grounds has been completed.

***Did the architect's study of the building consider an upper floor library, or just the lower floor?***

Three alternatives for a library in the school building were considered: upper floor, lower floor, and both floors. Just the lower floor alternative was chosen for the architect's report, because this floor could be most easily reconfigured with enough space while retaining the gym; a feature of interest to NCPRD. Natural lighting on the lower floor is variable between locations, but opportunities to improve window light where most needed were recognized. The upper floor is considered a more desirable space, mainly due to more consistent natural light, but this alternative would replace the gym with library space. The 2-floor alternative, which could retain the gym, would require more staff.

***If a separate library building is determined to be the most feasible and desirable library option, where on the property would it likely be located?***

No site planning studies for the property have been completed to address this question. There are multiple, possible locations on the property. Each presents opportunities and challenges, considering the proposed library's relationship to the full range of community values expressed in community comments, and its relationship to site conditions and surrounding properties.

***What are the comparative costs of putting a library in the Concord building versus a new library building?***

There has been no comparative cost assessment necessary to adequately address this question.

***How much usable park and playground space would remain once changes to the property are made for its new uses, either with or without a separate library building?***

The amount of land area needed for necessary infrastructure (parking, access roads, stormwater detention, service area) to support various alternatives has not been determined, aside from the square footage of a new library building (19,500 sq feet). Infrastructure space needs must be determined based on types of uses and their capacities and site planning for the intended uses. Most of the residual area, after allocation of infrastructure space, would be available for useable park space.

***What will it cost to upgrade the Concord building for community uses?***

An assessment of costs has not been done. This assessment relies on a defined program of building uses, which is currently undecided.

***How can I be involved in the process ahead?***

Once the Strategic Partnership and Property Swap are completed in February of 2018, the County will begin initiating a series of public engagement events concerning the repurposing of Concord school and its grounds. It's imperative that as many citizens as possible participate in and contribute to this visioning process! An additional way to stay involved and abreast of what's going on is to attend public meetings hosted by the Concord Community Stakeholders (CCS), an assemblage of 16 stakeholder groups who are joining forces to envision a brighter future at the Concord property. CCS's next meeting is on February 21, 2018 at Rose Villa from 6:30-8:30pm. You can join the CCS email list as an individual and/or also request that your organization be added to the Steering Committee by contacting CCS Coordinator Stephanie Kurzenhauser ([concordcommunitystakeholders@gmail.com](mailto:concordcommunitystakeholders@gmail.com)).

# CONCORD COMMUNITY STAKEHOLDERS

Concord Community Stakeholders (CCS) is committed to ensure inclusivity and full participatory involvement of Oak Lodge residents in the repurposing of the Concord school and grounds. Through collaborative leadership and creative action, we serve as catalysts and attentive partners in the County's formal planning process; and, we strongly advocate and shall provide oversight at all stages for a transparent, wide reaching, and vigorous public engagement process that clearly honors community-held priorities, aspirations, and values.

## CCS MEMBERS

There are 16 activated groups that make up CCS. Members are listed below with their prospective organizations, brief description of their work, contact information and website. Representatives from the organizations act as liaisons to their respective groups, providing status reports from each Stakeholder meeting. If your organization would like to be added to this Steering Committee, please contact CCS Coordinator Stephanie Kurzenhauser ([concordcommunitystakeholders@gmail.com](mailto:concordcommunitystakeholders@gmail.com)).

Please join us for our next meeting! Wed., February 21, 6:30-8:30 At Rose Villa Performing Arts Center.

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### The Concord Partnership (TCP)

Committed to the preservation and repurposing of Concord School with an emphasis on community use.

**Representative:**

Ron Campbell, [concordfuture@gmail.com](mailto:concordfuture@gmail.com)

<http://concordpartnership.org/>

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### Friends of Concord

**Representative:**

Buff Decker, [buff@deckerpdx.com](mailto:buff@deckerpdx.com)

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### Friends of Oak Lodge Public Library (FOLPL)

Provides needed support to the Oak Lodge Library.

**Representatives:**

Leslie Shirk, [ldshirk@comcast.net](mailto:ldshirk@comcast.net)

Joan Hamilton, [jdiscover@mac.com](mailto:jdiscover@mac.com)

<http://clackamas.us/lib/friends.html>

<https://olcla.org/friends-of-oak-lodge-public-library>

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### Jennings Lodge CPO (JLCPO)

Informs citizens of all proposed developments and changes in land use that will affect the area and provides an opportunity for citizen input.

**Representative:**

Grover Jeffrey Bornefeld, [citizengjb@gmail.com](mailto:citizengjb@gmail.com)

<https://facebook.com/JenningsLodgeCPO/>

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### McLoughlin Area Plan Implementation Team (MAP-IT)

Community-driven task force established in 2012 to help implement the projects and programs outlined by the MAP 1 and MAP 2 committees.

**Representative:**

Terry Gibson, [mapit.chair@gmail.com](mailto:mapit.chair@gmail.com)

<http://clackamas.us/mapit/>

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### Milwaukie Center and Friends of Milwaukie Center

To be a link to resources for older adults and their families – and a place for the community to gather, grow and contribute.

**Representatives:**

Louise Fisher, [lflouise@yahoo.com](mailto:lflouise@yahoo.com)

Colleen Sinsel, [Friends@co.clackamas.or.us](mailto:Friends@co.clackamas.or.us) (Friends)

<http://ncprd.com/milwaukie-center>

[ncprd.com/milwaukie-center/friends-of-the-milwaukie-center](http://ncprd.com/milwaukie-center/friends-of-the-milwaukie-center)

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**Neighborhood Livability Project**

A partnership between the Clackamas County Sheriff's Office and several community and agency partners.

**Representative:**

Gary Blair, grayharepro@gmail.com

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**North Clackamas Parks and Recreation District / District Advisory Board**

Makes recommendations to the District's governing board, the Board of Clackamas County Commissioners, on the design, planning and development of parks and the provision of recreational programs in the district.

**Representatives:**

Lynn Fisher, f41.1586@gmail.com

Wilda Parks, ParksW@milwaukieoregon.gov

<http://ncprd.com/district-advisory-board>

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**Oak Grove Community Council (OGCC)**

Informs citizens of all proposed developments and changes in land use that will affect the area, and provides an opportunity for citizen input.

**Representative:**

Baldwin van der Bijl, vanderbijl@comcast.net

<https://facebook.com/Oakgrovecommunitycouncil/>

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**Oak Lodge Community Library Advocates (OLCLA)**

Advocates for quality library services for the Oak Lodge community, including a new, freestanding library which reflects the needs of a growing community.

**Representative:**

Debrah Bokowski, OLibraryadvocates@gmail.com

<https://olcla.org/>

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**Historic Downtown Oak Grove (HDOG)**

Strives to revitalize and establish positive social, economic and community growth for all Oak Grove residents and businesses in historic downtown Oak Grove.

**Representative:**

Fallon Kraxberger, fallon.kraxberger@gmail.com

<https://facebook.com/oakgroveor/>

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**Oak Lodge History Detectives (OLHD)**

Promotes the place and appreciation of local history in the Oak Lodge area.

**Representative:**

Mike Schmeer, gennutt@gmail.com

<http://oaklodgehistry.org/>

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**Oak Lodge Legacy (OLL)**

Community-based group advocating for McLoughlin's revitalization.

**Representative:**

Nate Ember, designlovegiveadamn@gmail.com

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**Oak Lodge Library Board of Trustees**

To serve the residents within the Library service boundaries in matters concerning library services, planning, policies, and library-related issues.

**Representative:**

Representative: Chips Janger, cjanger@gmail.com

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**Restore Oregon**

Preserves, reuses and passes forward the historic places that make our communities livable and sustainable.

**Representative:**

Lydia Ness, Lydia@RestoreOregon.org

<https://restoreoregon.org/>

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**Urban Green**

Shared community- and Earth-centered values put into practice. Our mode is partnership. Our joy is found in a vibrant, thriving community where there's a place for everyone.

**Representatives:**

Tom Civiletti, civiletti@comcast.net; David Macek

<http://ccurbangreen.org/>

**OAK LODGE**  
WATER SERVICES  
**STAFF REPORT**

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**To:** Board of Directors  
**From:** Kelly Stacey, Finance Director  
**Agenda Item:** Finance Department Report  
**Item No.:** 7a  
**Date:** February 20, 2018

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Below is an update of various efforts of the Finance/Administration department:

**Accela implementation:**

I want to extend a special “thank you” to all the administrative staff for their hard work getting the Incode and Eden data ready for the conversion to Accela. I appreciate everyone and especially Elaine and Rebecca for going the extra mile last week to get things done! And Lara for coming to the admin building to back up the phones and counter during our on-site training with Accela. This has been a monumental task!

Accela has received the final data-pull and are busy bringing everything together as we head toward the first joint bill on March 1, 2018. Beginning February 23, 2018, we will be balancing the legacy systems with Accela and updating every account with activity during the previous two weeks. The week of February 26, 2018 Accela will be onsite walking staff through all the steps involved in reconciling the systems and preparing the first joint-bills. It will be a very busy week. Accela has been great to work with. They are very responsive and have many experts working on our unique conversion.

Payroll and general ledger are working well. We were able to get out W-2s and 1099s from Accela. The Finance department is now running reports that are we feel confident about. We are still working through the bank reconciliation process and making good progress.

**Utility Billing – Transition to Joint Billing**

Of the 363 customers that had liens placed on their property taxes last year (June 2017):

- 100 customers were current as of November 2017
  - This could have been a result of our first two letters, or the customer just decided on their own to start paying their sanitary bill.
- We contacted 162 of the remaining 263 customers
  - Contact was established via someone answering the phone, or a voicemail left on a phone that seemed to belong to the customer
- We were not able to contact 101 customers
  - Due to wrong numbers, disconnected phones, full or non-existent voicemail boxes
  - These customers were also mailed a generic letter that was in a hand-addressed envelope

**Selection of Auditor for 2018 audit:**

Governmental entities are required to have an annual review of their financial records to ensure compliance with general accepted accounting practices (GAAP). This is commonly referred to as the annual audit. Our current CPA contract needed to be rebid since it had previously been signed prior to the consolidation. Three C.P.A. firms were asked for quotes: Moss Adams, Merina and Company and Paul, Rogers and Co., P.C.

After careful consideration, and based upon my recommendation, a one-year contract will be entered into with Pauly, Rogers, and Co., P.C. for \$24,000 by the General Manager. My intent is to go through an extensive RFP process for a 5-year contract for an auditor for Oak Lodge Water Services District later this year. I anticipate this will attract the most number of potential bidders and gain the District the best quality of services for the price.

## STAFF REPORT

**To:** Board of Directors  
**From:** Todd Knapp, Field Superintendent  
**Agenda Item:** Field Operations Report  
**Item No.:** 7b  
**Date:** February 20, 2018

### Background

The Board has requested updates at the Regular Meetings of the Board on the status of the District's Operations.

### Operations Administration

These past few months have been difficult for the collections crew to get their numbers, I thought I would illustrate some of the challenges they are faced with.



This is an overview of the area they are currently working on, as you can see most of these lines lie near or along the Willamette river.



Several of these access points are in easements that have grown over with brush and blackberry bushes, the lines that run along the river are quite challenging to get to with the larger trucks used for the cleaning and TV'ing, The hoses and lines needed to accomplish this work have to be stretched greater distances, slowing the crew's efforts.

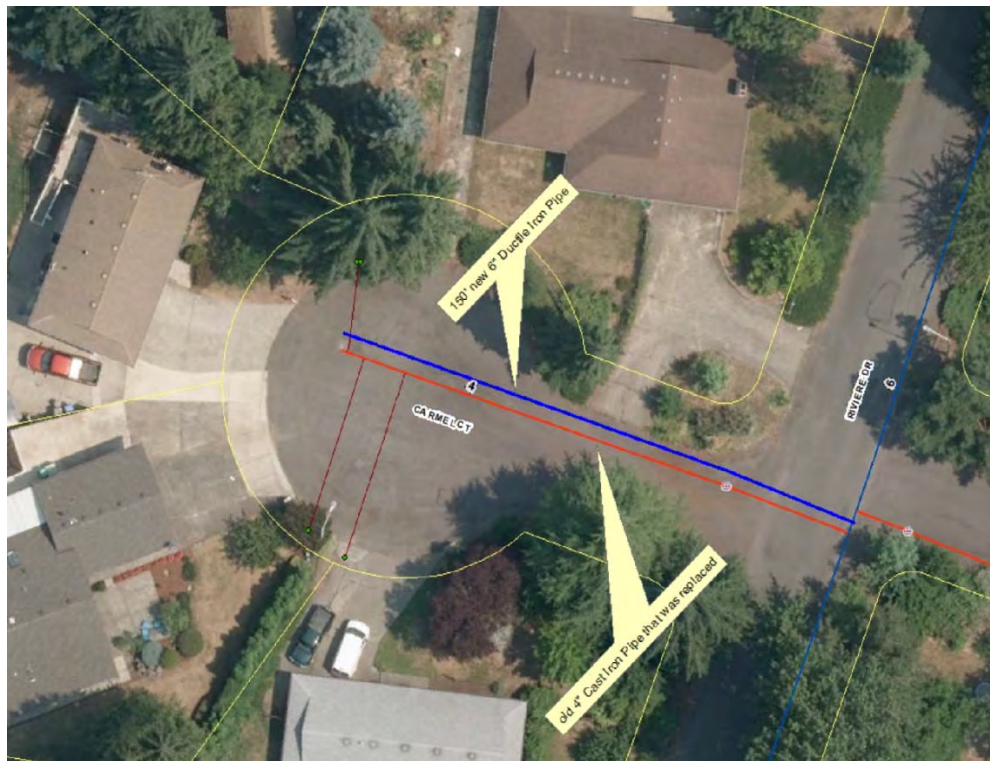


This is a sample section of trunk 2B from Hull Ave. to Willamette Drive much of this trunk runs through easements along the Willamette river. Access is extremely poor and, in some areas, inaccessible.





Water crew completed the installation of 150' of 6" ductile iron pipe on Carmel Ct.,



### Field Operations Monthly Report for January 2018

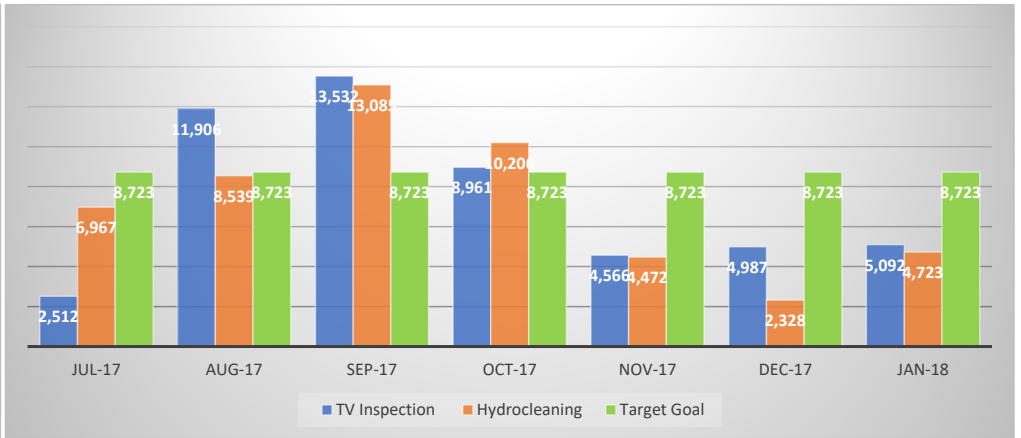
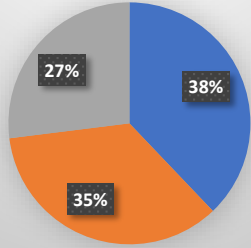
Highlights for the month:

- 9 new water services installed
- Meters replaced, services and leaks (See chart)
- Collections team still forging ahead despite challenges.
- Water consumption for **January 74,389,000 Gallons** (below the 10-year average of 78,644,686) (See metered monthly consumption chart)

# Oak Lodge Water Services Collections Report

## Current Month

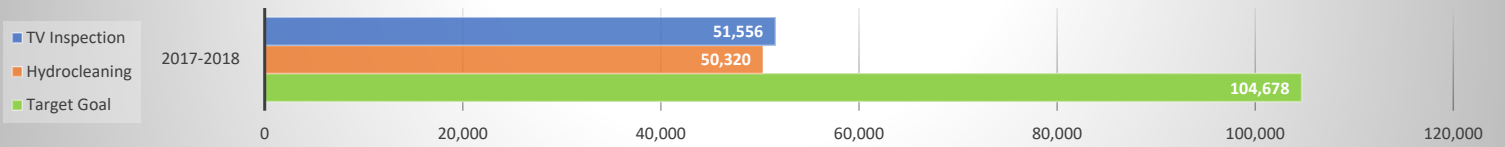
■ TV Inspection ■ Hydrocleaning ■ Grease Line



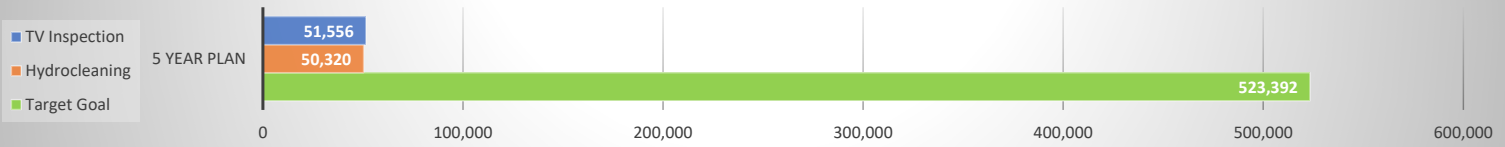
Month	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	To Date	Monthly	Yearly	5 Year
	Totals	%	%	%												
TV Inspection	2,512	11,906	13,532	8,961	4,566	4,987	5,092						51,556	58.37%	49.25%	9.85%
Hydrocleaning	6,967	8,539	13,085	10,206	4,472	2,328	4,723						50,320	54.14%	48.07%	9.61%
Target Goal	8,723	8,723	8,723	8,723	8,723	8,723	8,723						61,062	100.00%	58.33%	11.67%
Grease Line	3,625	5,105	3,276	3,625	10,227	3,859	3,625						33,342			

**Total Feet** 523,392  
**Target Per Year** 104,678  
**Target Per Month** 8,723

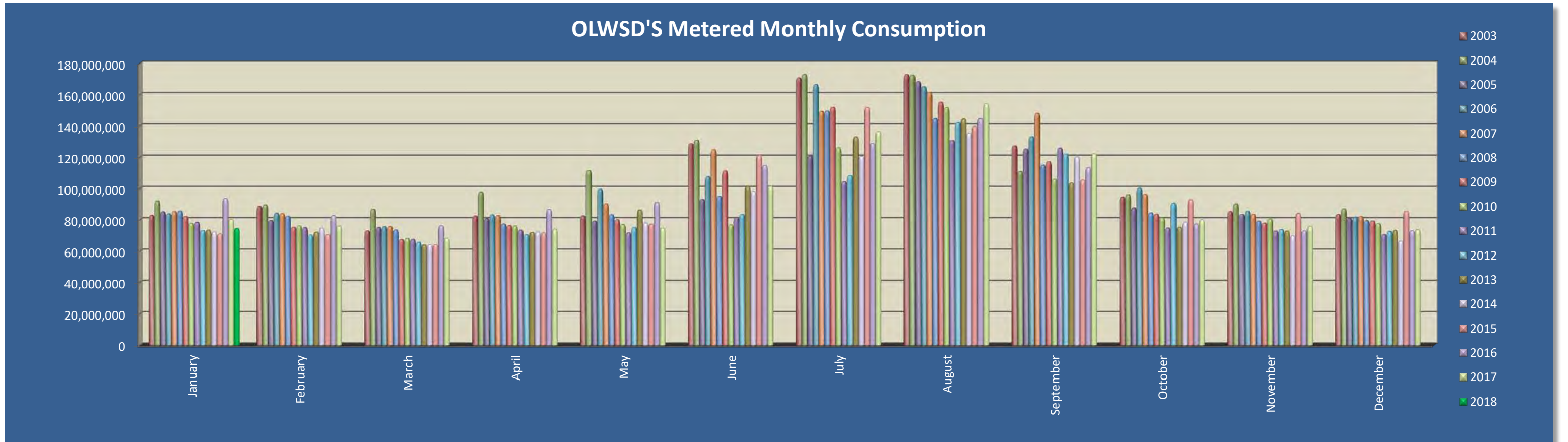
## Yearly Progress



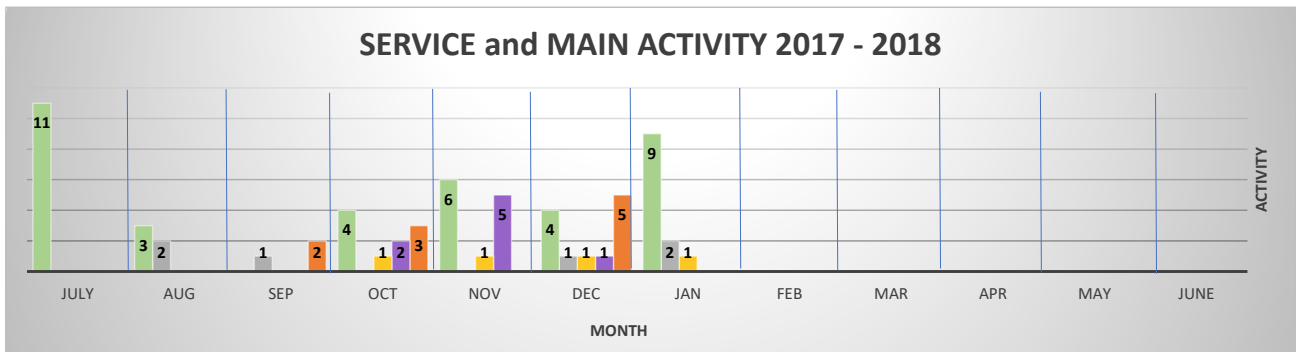
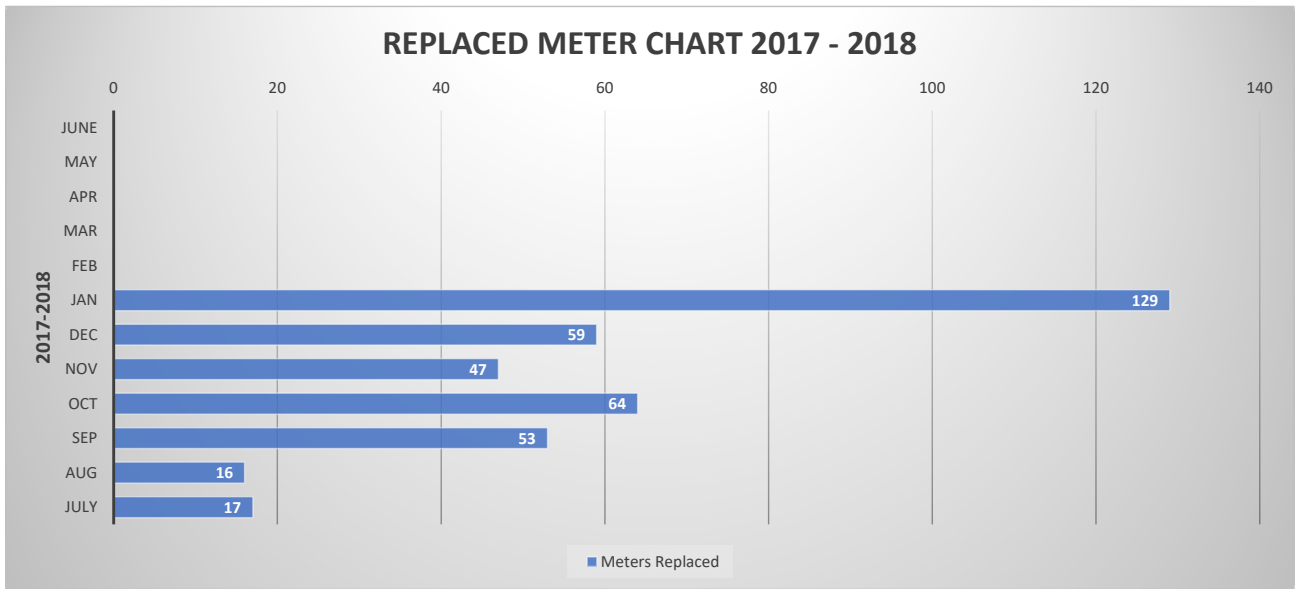
## 5 Year Plan Progress



Year	Month												Total Yearly Con	Average Daily Demand
	January	February	March	April	May	June	July	August	September	October	November	December		
2003	82,674,600	88,370,400	72,820,000	82,357,000	82,416,000	128,520,000	170,652,000	172,726,000	127,198,000	94,416,000	85,037,000	83,285,000	1,270,472,000	3.48
2004	91,933,000	89,441,000	86,755,000	97,665,000	111,392,000	130,863,000	172,883,000	172,499,000	110,696,000	95,973,000	90,079,000	86,823,000	1,337,002,000	3.66
2005	84,976,000	79,415,000	74,996,000	80,616,000	79,088,000	92,885,000	120,871,000	168,248,000	125,172,000	87,512,000	83,230,500	80,773,500	1,157,783,000	3.17
2006	83,697,000	84,098,667	75,580,333	83,028,000	99,436,000	107,501,000	166,449,000	164,957,000	132,989,000	100,180,000	85,350,000	81,587,000	1,264,853,000	3.47
2007	85,179,000	83,766,000	75,622,455	82,508,545	90,129,000	124,696,000	149,207,000	161,512,000	147,980,000	96,159,000	83,445,000	81,921,000	1,262,125,000	3.46
2008	85,466,000	82,200,000	73,405,000	77,221,722	83,162,278	94,885,000	149,422,000	144,592,000	114,830,000	84,307,000	79,094,000	79,319,000	1,147,904,000	3.14
2009	82,042,000	75,196,000	67,364,000	76,238,000	79,968,000	111,127,286	151,804,000	155,069,000	117,099,000	83,457,000	77,782,000	79,107,000	1,156,253,286	3.17
2010	77,735,000	75,975,000	67,986,000	75,943,000	76,903,000	76,720,000	125,996,000	151,590,000	105,880,000	81,052,000	80,389,000	77,515,000	1,073,684,000	2.94
2011	78,266,000	74,983,000	67,462,000	73,285,000	71,613,000	81,189,000	104,328,000	130,684,000	125,733,000	74,646,000	72,657,000	70,555,000	1,025,401,000	2.81
2012	73,041,000	70,104,000	65,501,000	70,380,000	75,148,000	83,256,000	108,236,000	142,023,000	121,981,000	90,545,000	73,672,000	72,454,000	1,046,341,000	2.87
2013	73,277,000	72,051,000	63,866,000	71,906,000	86,085,000	101,278,000	132,837,000	144,354,000	103,403,000	75,217,000	72,624,000	73,180,000	1,070,078,000	2.93
2014	72,052,000	74,566,000	63,886,000	72,171,000	77,889,000	97,978,000	120,411,000	135,271,000	120,008,000	78,257,000	69,534,000	66,200,143	1,048,223,143	2.87
2015	70,840,857	70,318,000	63,972,000	71,515,000	77,173,000	121,185,000	151,728,000	139,696,000	105,238,000	92,781,000	83,966,000	85,368,000	1,133,780,857	3.11
2016	93,522,000	82,637,000	76,044,000	86,443,000	90,989,000	114,745,667	128,722,333	144,599,000	113,212,000	77,196,000	72,766,000	72,839,000	1,153,715,000	3.16
2017	80,205,000	75,867,000	68,040,000	73,822,000	74,515,000	101,310,000	136,262,000	154,085,000	122,113,000	79,860,000	75,718,000	73,584,000	1,115,381,000	3.06
2018	74,389,000													
2019														
2020														
10 Year Average	78,644,686	75,389,700	67,752,600	74,892,472	79,344,528	98,367,395	130,974,633	144,196,300	114,949,700	81,731,800	75,820,200	75,012,114		10 Year ADD 3.01



# Oak Lodge Water Services Water Report



Fiscal Year	Month	Meters Replaced	New Services	Iron Services Renewed	Plastic Services Renewed	Service Leaks Repaired	Main Leaks Repaired
2018	June						
2018	May						
2018	Apr						
2018	Mar						
2018	Feb						
2018	Jan	129	9	2	1	1	0
2017	Dec	59	4	1	1	1	5
2017	Nov	47	6		1	5	0
2017	Oct	64	4		1	2	3
2017	Sep	53		1			2
2017	Aug	16	3	2			
2017	July	17	11				
<b>Yearly Total</b>		<b>385</b>	<b>37</b>	<b>6</b>	<b>4</b>	<b>8</b>	<b>10</b>



## Staff Report

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**To:** Board of Directors  
**From:** David Mendenhall, Plant Superintendent  
**Agenda Item:** Plant Operations  
**Item No.:** 7c  
**Date:** February 12, 2018

### **Background:**

The Board has requested updates at the Regular Meetings of the Board on the status of the District's Operations.

### **Water Reclamation Facility Operations**

January was a more consistently wet month than December and the flows show that. There were no individual events over one inch, but the consistent rain produced higher background flows and then higher peaks of flow on heavier rain days. We did experience a higher suspended solids result in the effluent on January 9 with a flow of 6.43 million gallons (MG). The suspended solids were well within permit limits for daily loading. The highest flow days were 8.48 MG on January 11 and 8.71 MG on January 24<sup>th</sup>. As I mentioned in the December report we need to reduce the amount of solids in our system. During an adjustment in the process during higher flows called contact stabilization, Operators Kyle Melinger and David Hawkins did some extra sampling and calculating because while the plant activated sludge process was adjusting it closely resembled what we want the plant to look like at all times. So, they were able to bench verify that our target Sludge Retention Time (SRT) needs to be 15-20 days. We are currently running at 35 days. This was proactive operating and the extra contact stabilization provided quick results with lower clarifier blanket levels. We now have a solid target and will waste out more solids over the next 2 months as conditions permit. (See the graphs below)

Brown and Caldwell continues to work on the belt press plan recommendations. On our end, we have been told by the Clackamas County maintenance section that our trailer needs about \$15,000 worth of work and the result would still not meet our needs. We are now looking for a flatbed utility trailer with a 40,000-pound payload capacity on the surplus and auction sites. We will price new ones as well.

Plant Operations has been dealing with a problem with Ultra Violet (UV) disinfection channel #2. They suspected the valve was not fully sealing and letting some water through the inactive channel. They had made process adjustments to make sure all water was being disinfected but the gate needs repair. At a depth of 20 feet it is not easy to see what is happening. John Brown of Plant Maintenance, Doug Woods and Abe Merritt from Collections and Kyle Mellinger from Operations got together and in short order came up with a plan to use the TV camera for sewer inspections to look at the valve and shaft underwater saving a shut down and pump out of the channel. Very quickly they saw the shaft broken at a submerged bracket. (see Photo 1) The valve was not turning at all. By seeing the break and knowing what needs to be done we can now plan better for a shut down and pump out of this channel, order parts, and make the repair with one shut down versus two. This was good collaboration and thinking to turn a job that could take several days to one that took about an hour.

All permit parameters were met for January 2018.

### **Plant Maintenance Monthly Report**

Screened Mixed Liquor Pump #2 (SML) pump and the rebuilt Mixed Liquor Return (MLR) pump were ready for installation and an MLR was ready for removal to be rebuilt. So, John Krogstad scheduled a crane to come in for a lift day and all three tasks were completed in about an hour and a half. This is efficient use of time and contracts and makes for fun pictures. (See photo 2)

As part of the Preventive Maintenance program John Brown performs thermography tests. This uses a heat sensitive camera to show where excessive heat is present on electrical connections. Hot spots usually indicate a loose connection that can quickly be tightened but could also hint at a more serious problem like equipment failure. Keeping the connections tight and the hot spots down saves power and makes the area safer. Photos #3,4,and 5 below show some recent results of the testing and the repairs recommended.



*Photo 1 Underwater shot of broken shaft operating UV gate #2*



*Photo 2 Installing Rebuilt Mixed Liquor Return pump.*



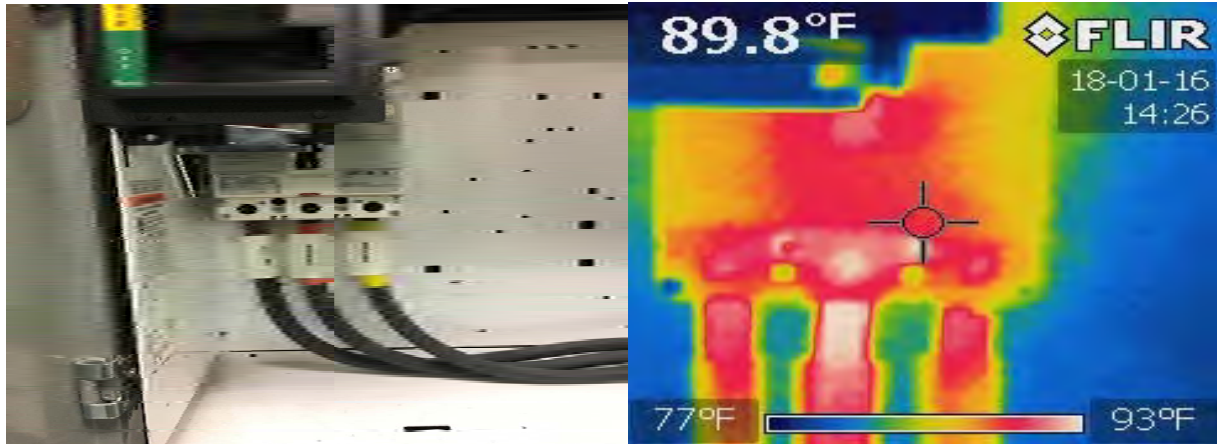


Photo 3 Aeration Blower #4 possible loose connection Phase B Corrective Action: tighten terminal and recheck image.

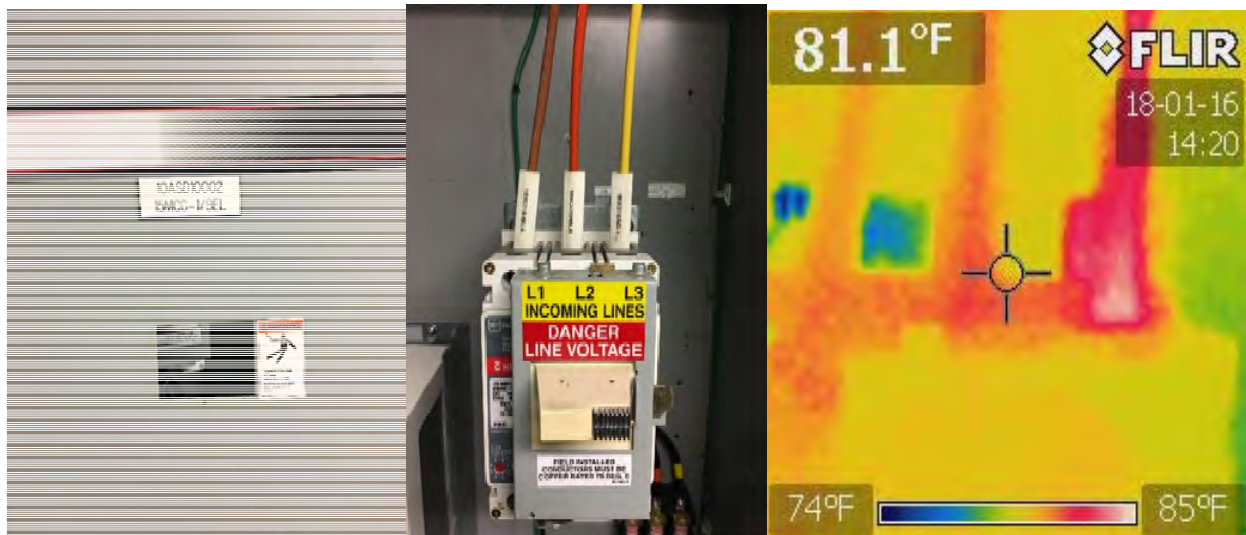


Photo 4 Plant drain pump #2 possible loose connection line side Phase C Corrective Action: tighten terminal

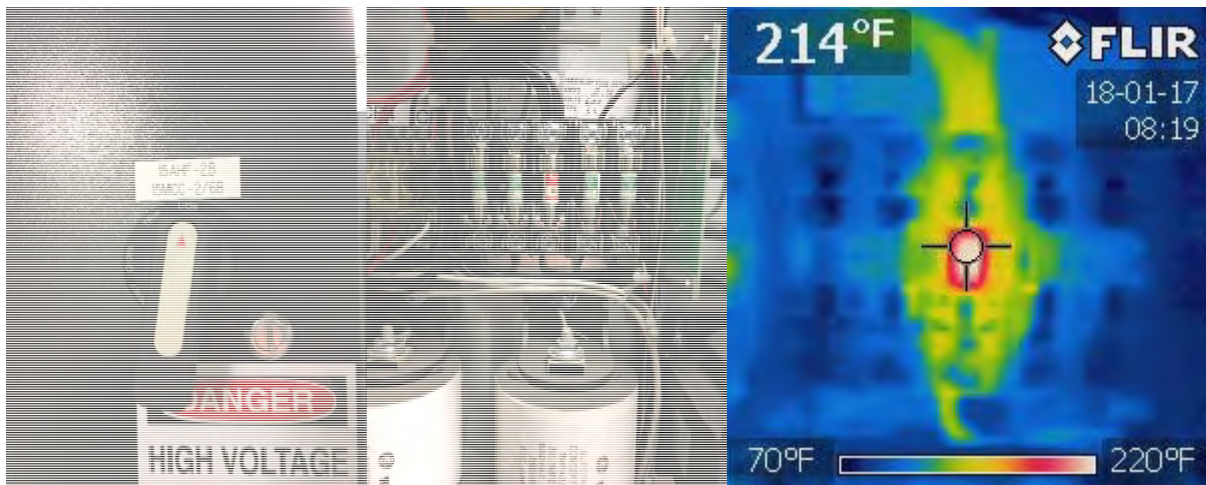
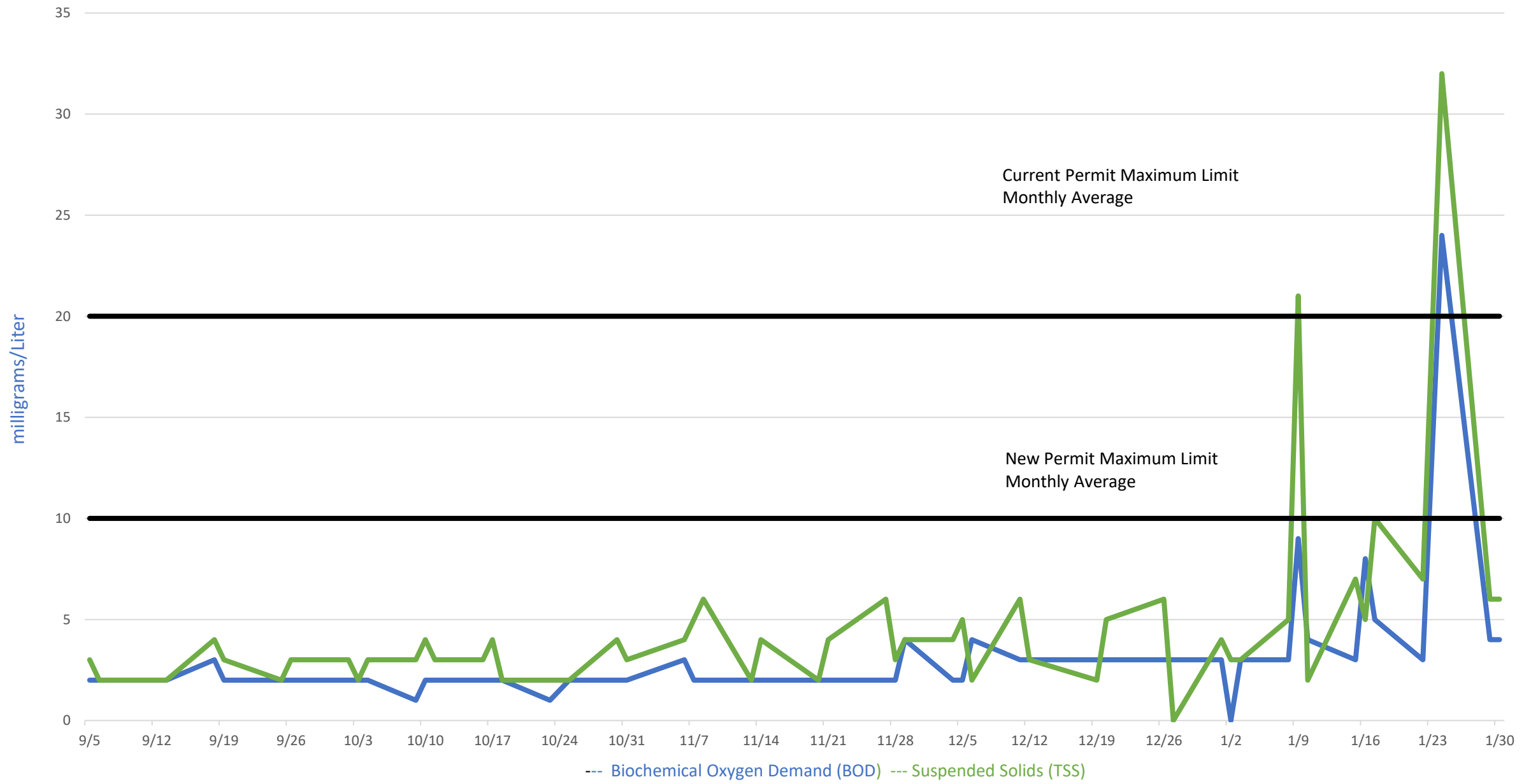
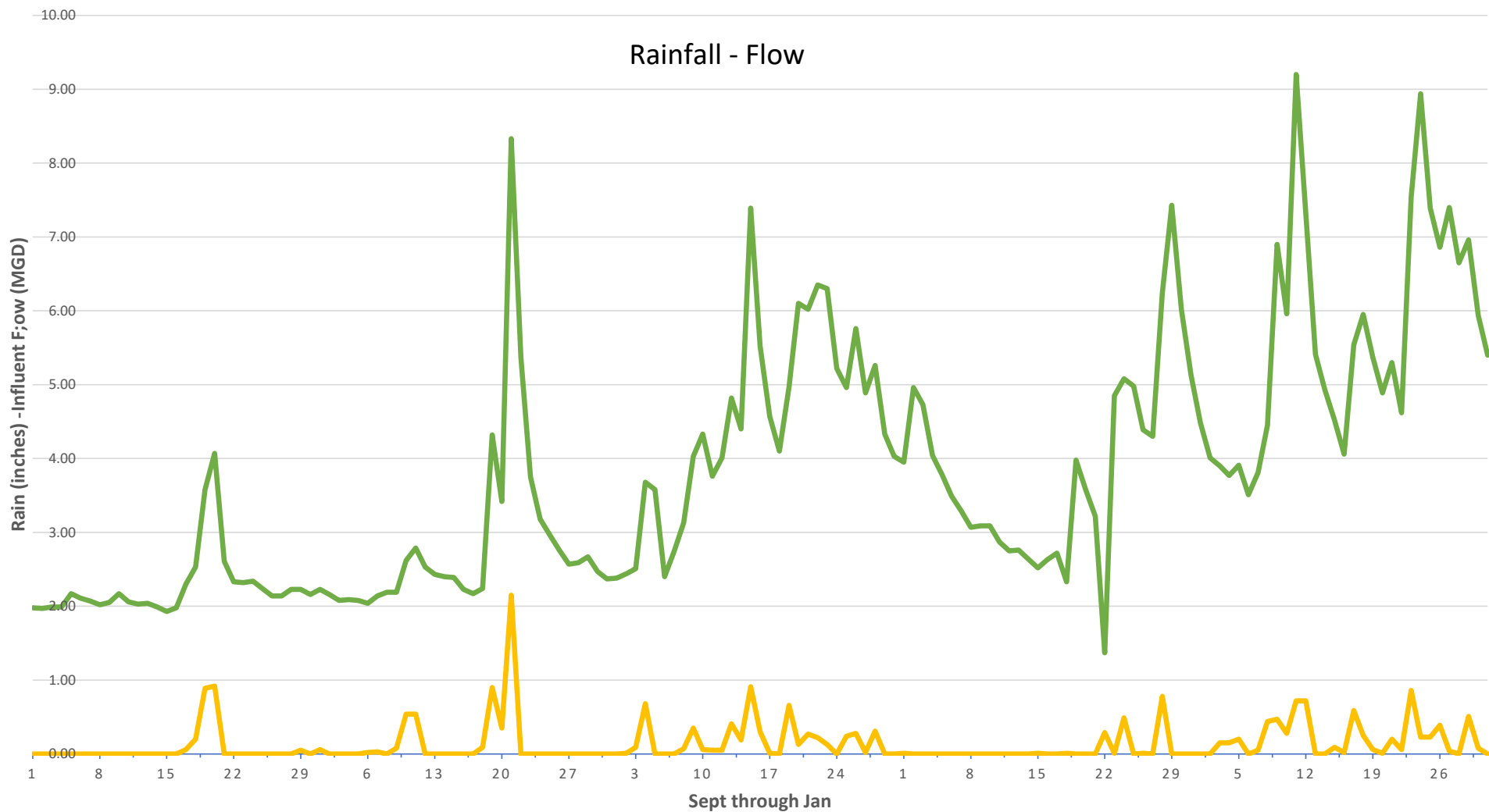


Photo 5 Harmonic Filter 15AHF-2B overloaded fuse Corrective Action: See if Manufacturer can suggest if wires can be moved to another fuse.

# Effluent Water Quality



# Rainfall - Flow



**OAK LODGE**  
WATER SERVICES  
**STAFF REPORT**

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**To:** Board of Directors  
**From:** Jason Rice, District Engineer  
**Agenda Item:** Technical Services Report  
**Item No.:** 7d  
**Date:** February 20, 2017

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Below is an update of various Technical Services Program efforts:

**Capital Improvement Program:**

Capital Improvement Planning (2018-2023)

Staff has begun conversations that will continue into February to build the next Capital Improvement Plan. Information gathered during this process will help inform the FY19 Budget Process.

OLWSD Master On-call Contract

Staff is working internally and with Sunrise Water Authority to finalize the Request for Qualifications (RFQ) for On-Call Services. Staff expects to post this RFQ later this month and will hopefully bring a contract to the Board at its March Board Meeting.

Boardman Wetland Project

This project is expected to be advertised March 1, 2018, which would put a Staff recommendation for Award of Construction at this April 17<sup>th</sup> Board Meeting. Construction is still expected to commence around June 1, 2018.

**Outreach and Education**

Oak Lodge Water Services outreach and education programming gears up in the spring, with a new partnership beginning this February at the New Urban High School with non-profit partner Dig In.

Planning efforts have continued to focus on upcoming events, including the two big events in March: the Children's Clean Water Festival at the University of Portland, and the Celebrating Water Event at Clackamas Community College. Nearly every one of the OLWS' five elementary schools from the District are involved in either one or the other

event, which allows high school students to teach and 4<sup>th</sup>/5<sup>th</sup> grade students to take part in hands on clean water messaging.

OLWS staff will be returning to the steering committee for the Clean Rivers Coalition Forum after the OLWS joint billing settles in freeing up our outreach resources. As mentioned previously, the forum’s outreach campaign will focus on one or more of the top pollutants of concern, which include herbicides, pesticides, insecticides, metals, and pollutants from plastics and personal care products.

**Permitting**

<b>January 2018 Development Activity</b>					
	<i><b>This Month</b></i>	<i><b>Last Month</b></i>	<i><b>Fiscal Year-to-Date</b></i>	<i><b>This Month Last Year</b></i>	<i><b>Last Year-to-Date</b></i>
<b>Pre-applications Conferences</b>	1	0	11	-	-
<b>Hours Spent on Development Review</b>	29.27	104	769	-	-
<b>Hours spent on Utility Permits</b>	28.21	69	477	-	-
<b>Development Permits Issued</b>					
<b>Utility Permits Issued</b>	1	2	10	-	-
<b>Utility Permits Issued</b>	8	3	57	-	-
<b>New Sewer Connections</b>					
<b>New Sewer Connections</b>	2	5	54	-	-
<b>New Water Services</b>	-	-	-	-	-
<b>Active Erosion Control Permits</b>					
<b>Total Erosion Control Permits Inspected</b>	39	37	192	-	-
<b>Total Erosion Control Permits Inspected</b>	39	37	192	-	-
<b>Active Construction Permits</b>	20	19	82	-	-
<b>Sanitary SDC Fees Received</b>					
<b>Sanitary SDC Fees Received</b>	\$10,330	\$25,825	\$273,745	-	-
<b>Water SDC Fees Received</b>	-	-	-	-	-
<b>Plan Review Fees Received</b>	\$1,961	\$2,093	\$10,609	-	-
<b>Inspection Fees Received</b>	\$2,333	\$1,432	\$14,415	-	-

**Attachments**

1. Development Review Status Tracker

<b>Project Status</b>	<b>Address</b>	<b>Type of Development</b>	<b>Notes</b>	<b>Last Updated</b>
Complete	15415 SE River Rd.	3-parcel Partition (2 new homes)	Project complete. Sanitary Inspections complete. Erosion Control ongoing (SFD). Awaiting asbuilts. Unknown timeline.	2/1/18
Under Construction	14400 SE Lee Ave.	Z0071-16 Duplex on existing lot. (SFR previously demolished)	Erosion Control inspections ongoing. Sanitary Sewer installed. Unknown Timeline	2/1/18
Under Construction	2009 SE Courtney Ave.	3-parcel Partition (1 new home & 1 new duplex. Existing home is on the Historical Register as a duplex.)	Erosion Control inspections ongoing. Sanitary Sewer installed. Sewer connections installed. SFDs under construction. Unknown timeline.	2/1/18
Under Construction	15448 SE East Ave. (Zetterberg Estates)	18-Unit Multi-Family	Sanitary sewer Inspections complete. Erosion Control inspetions ongoing. Expires May 2018	2/1/18
Under Construction	5210 SE Roethe Rd.	6-lot Subdivision (5 new homes)	Public infrastructure installed and approved. In 11-month warranty period. SFDs under construction. Warranty period ends July 2018. Final SS inspections pending.	2/1/18
Under Construction	13012 SE Oatfield	Proposed subdivision; 9 potential lots. Z0407-16	OLWSD approved plans. Sanitary inspections pending. Expires Sept. 2018	2/1/18
Under Construction	4281 SE Manewell Lane	A four-lot SFR minor subdivision.	Z0640-16 Land use comments sent. Awaiting engineering plans. County expiration timeline. AKS / Kustom-Built project.	2/1/18
Under Construction	18122 SE McLoughlin Blvd	Z0482-16-D Commercial Design Review: Fuel Island	Jackson's. EC and Sanitary inspections ongoing. Expiration April 2018	2/1/18
Under Construction	18121 SE River Rd. (Jennings Lodge Estates)	62-lot Subdivision (Zone Change R-10 to R-8.5 not approved by CC. (Applicant has filed an appeal with the Land Use Board of Appeals)	Received Engineering Plans 5th plan submittal.	2/1/18
Under Construction	3816 SE Hill Rd	Z0428-16 8-lot subdivision	Approved engineering plans. Expires July 2018	2/1/18
Under Construction	13715 SE River Road	Z0399-17 Rose Villa - 28 Homes	Also Z0066-17. OLWSD approval for engineering plans. Sanitary, water and stormwater inspections ongoing. Expires Dec. 2018.	2/1/18
Under Construction	17908 and 17900 SE Addie Street.	Z0200-17-D_BOARDMAN_WETLAND	Land use comments sent. Awaiting engineering plans. County timeline for expiration.	2/1/18
Under Construction	6460 Glen Echo Avenue	Z0461-16_Gladstone_Glen_Echo. (OLSD Service area / out of OLSD Boundary).	10-lot subdivision. Gladstone Plan Review. Gladstone Inspection . OLWSD receives approved plans and asbuilts and inspection reports.	2/1/18
Plan Review	18107 SE Addie Street.	ZPAC0167-16 4-plex	Pre-application comments sent. Awaiting land use / subdivision application. Expires Dec. 2017	2/1/18
Plan Review	14501 SE Laurie Ave	Z0050-17 2-lot partition	Land use comments sent. Awaiting engineering plans. County expiration timeline.	2/1/18
Plan Review	4900 SE Meldrum	2-lot partition Z0572-16	Public infrastructure installed and approved. In 11-month warranty period. SFDs under construction. Warranty period ends March 2018.	2/1/18
Plan Review	5215 SE Roethe Rd	2-parcel partition / 2-year extension Z0014-17. previous Z0555-12-M	Land use comments sent. Awaiting engineering plans. Land Use timeline.	2/1/18
plan review	Willamette View	Riverview Dining Facility Replacement / Expansion; Z0239-17	Plans approved. Expires Oct 2018	2/1/18
Plan Review	2818 SE Park Avenue	Commercial with underground parking	Pre-app comments submitted. Awaiting Land Use Application. County expiration timeline.	2/1/18

<i>Project Status</i>	<i>Address</i>	<i>Type of Development</i>	<i>Notes</i>	<i>Last Updated</i>
Plan Review	SE Manewal at SE Towery LN	Z0157-17_Manewal_South	OLWSD Engineering approval. Z0156-17 (for original tax lot 2300) is now void. Z0157-17 for original tax lot 800 and now east one-half of 2300 is revised and is now the only Partition application for Tasso Homes on Manewal. Dec. 2018 expiration.	2/1/18
Plan Review	SE Courtney at SE Rupert	Z0061-17-D 10-unit apartment	Engineering Comments sent (1st review) awaiting second planset. County Land Use Timeline. Erosion control submitted. Under review.	2/1/18
plan review	15510 SE Wallace Street	Z0593-16 13 lot subdivision	Land Use Comments sent. Awaiting engineering plans. County Land Use Timeline.	2/1/18
Plan Review	3260 SE Oak Grove Blvd	130000+ mini storage facility	Engineering Comments sent (1st review) awaiting second planset. County Land Use Timeline.	2/1/18
Plan Review	15007 SE McLoughlin Blvd	LA Fitness TI	ZPAC0031-17.Awaiting land use/design review application.	2/1/18
Plan Review	16005 SE River Forest Pl	two-parcel partiion	ZPAC0027-17.Awaiting land use application.	2/1/18
Plan Review	18107 SE Blanton	6-lot partition	Land Use Comments sent. Awaiting engineering plans.	2/1/18
Plan Review	2615 SE VINEYARD WAY	two-parcel partition	Attended pre-app. Awaiting Land Use application. County expiration timeline.	2/1/18
Plan Review	19421 SE KAY ST	4-10 lots: Subdivision	Land use comments sent. Awaiting engineering plans. County expiration timeline.	2/1/18
Plan Review	15314 SE RUPERT DR	7-lot subdivision Z0426-17-SS	Seven-lot minor subdivision for one existing and six new home sites. Engineering Comments sent (1st review) awaiting second planset. County Land Use Timeline.	2/1/18
Plan Review	13809 SE Linden Ln.	Replace existing home with duplex.	Z0064-17-D. Awaiting Engineering Planset. Also included is ZPAC0138-17. Erosion control issued, some construction activity - preparation only. Awaiting utility plans.	2/1/18
Plan Review	Taxlots 2000 & 2100 located behind 15026 & 15018 SE Linden Ln.	3-parcel partition	Z0305-15-M Pubic Main Line Extensioin. Development approval. Sanitary inspections ongoing. Erosion inspections ongoing. Expires Oct 2018	2/1/18
Plan Review	ZPAC0130-17 18332 SE Willamettte Dr	3-lot partition	Pre-app comments submitted. Awaiting Land Use Application. County expiration timeline.	2/1/18
Plan Review	ZPAC0131-17 16885 SE McLoughlin	Design Review - Les Schwab	Pre-app comments submitted. Awaiting Land Use Application. County expiration timeline.	2/1/18
Plan Review	13755_SE_Schroeder	Rose Villa Units	"The Oaks" PHASE 2B' NET ZERO ENERGY POCKET NEIGHBORHOOD Z0489-17. OLWSD approval for engineering plans. Sanitary, water and stormwater inspections ongoing. Ex pires Dec. 2018.	2/1/18

<b>Project Status</b>	<b>Address</b>	<b>Type of Development</b>	<b>Notes</b>	<b>Last Updated</b>
Plan Review	18800 SE MCLOUGHLIN BLVD	Nonconforming Use - Alteration/Verification:	Land use comments submitted. Awaiting building permits. Z0542-17 Nonconforming Use - Alteration/Verification An Alteration of a Nonconforming Use, a service commercial use, a hair salon, to permit the use of one parking space for the display and sale of automobiles.	2/1/18
Plan Review	3016 SE COURTNEY AVE	Z0523-17 Parking lot	Land use comments submitted. Awaiting engineering plans. County expiration timeline.	2/1/18
Pre-Application	18800 SE McLoughlin	Z0542-17 Addition of one vehicle sales stall	Land use comments submitted. Awaiting engineering plans. County expiration timeline.	2/1/18
Pre-Application	17624 SE RIVER RD	Z0471-17 : attached housing	Land use comments submitted. Awaiting engineering plans. County expiration timeline.	2/1/18
Pre-Application	7900 SE Addie Street	ZPAC0153-17 - Park proposal at Boardman	Pre-application Comments Sent. County timeline. Design review to develop a pocket park project to include sidewalk , benches, slides, playground equipment with appropriate landscaping	2/1/18
Pre-Application	16250 SE MCLOUGHLIN BLVD	Commercial with interior storage	Pre-app comments sent. Awaiting land use application. County timeline. Design Review Pre-app to add 32,246 sf commercial space (add 2 stories) to existing commercial bldg at 16250 SE McLoughlin	2/1/18
Pre-Application	22E07CA03003	Partition	A Partition of the subject property to create two parcels; one of approximately 10,259 s.f. and one of approximately 12,421 s.f. for new home sites.	2/1/18
Pre-Application	4322 SE Pinehurst Ave	Subdivision	Water utility only. Received engineering review #1. Under review.	2/1/18
Pre-Application	13630 SE Laurie Avenue	Design Review - Rose Villa	Construct Arts building as part of master plan. Received engineering review #1. Under review.	2/1/18
Pre-Application	17217 SE McLoughlin Blvd	ZPAC0181-18 TI	Pre-application Comments sent. County timeline.	2/1/18
Pre-Application	14107 SE Lee Ave	Partition: 2 lots Z0648-17	Land Use Comments sent. County Expiration Timeline.	2/1/18
Pre-Application	Willamette View	Multi-family; Z0656-17	Land Use Comments sent. County Expiration Timeline.	2/1/18
Pre-Application	14928 SE OATFIELD RD	ZPAC0015-18	Pre-application comments sent. Awaiting land use / subdivision application. Expires Dec. 2018	2/1/18
Pre-Application	18107 SE Addie Street	Subdivision: 5 units / 6 lots	ZPAC0096-17 to build 5 units and partition 6 lots	2/1/18





## AGENDA ITEM

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**Agenda Item:** Call for Public Comment  
**Item No.:** 8  
**Presenters:** Public

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### **Background:**

Members of the public are invited to address the Board on any relevant topic. The Board may elect to limit the total time available for public comment or for any single speaker depending on meeting length.



## AGENDA ITEM

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**Agenda Item:** Business from the Board  
**Item No.:** 9  
**Presenters:** Board Members

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### **Background:**

The Board of Directors appoints District representatives from time to time to serve as liaisons or representatives of the District to committees or community groups.

Directors assigned specific roles as representatives of the District are placed on the agenda to report to the Board on the activities, issues, and policy matters related to their assignment.



## Memorandum

**Date:** January 29, 2018  
**To:** Consortium Board  
**From:** Rebecca Geisen – Consortium Project Manager  
**Subject:** FY 2018/19 Budget and Workplan for Adoption

Enclosed is the FY 2018/19 proposed budget and work plan for Board consideration and adoption. The Board discussed budget concepts at its October meeting and directed staff to develop a work plan and budget to keep dues flat and take advantage of one-time funds made available from the 2016/17 carryover. In December, the City of Portland provided updated staffing costs for FY 18/19 which were incorporated into the budget. Staff costs increased 5% which is what was projected in the draft budget you reviewed in October. This means that the costs are similar – no significant program reductions were made nor were additional funds made available.

One-time projects are summarized on the next page. At Board direction, an evaluation of our outreach program was included in the budget along with expanded Spanish outreach. There were no extra funds for water bags. There is one change to highlight, \$12,300 was shifted from the interconnections update (sinking funds) to the population, housing unit and household estimates and forecast project to cover the cost of updating long-term forecasts, done every five years.

The Consortium Technical Committee and Executive Committee have reviewed the budget and work plan, and offer it for your consideration and approval.

### **Budget Carryover from FY 2016/17**

The carryover amount from FY 2016/17 is **\$188,643**. Approximately \$163,000 of the carryover is in personnel services (\$126,000) and overhead (\$37,000) due to a prolonged vacancy. Approximately \$15,500 was under-expended in materials and services. None of the \$10,000 contingency was spent.

Traditionally the carryover amount is used to off-set future dues, however, the Board has discretion as to how to spend the carryover. The workplan and budget was developed based on the assumption the carryover would be used to offset dues. If the Board agrees with this assumption, no action is needed and the carryover will be credited to the participant dues for FY 2018/19.

Note: The Consortium is now fully staffed and we are more accurately budgeting for materials and services. **This will result in a much smaller carry-over in future years to off-set dues likely resulting in dues increasing or a reduction in programs.**

One-time Projects – FY 18/19	One-time Cost
* <b>Expand Spanish language outreach</b> utilizing professional services to develop culturally appropriate messaging, translate materials and create how-to video/PSA/radio content/social media	\$15,000*
<b>Develop 2-3 new summer radio ads</b>	\$7,500
<b>Print updated conservation materials</b> and provide members with a start-up supply of 2-3 updated print pieces	\$10,000
<b>Replenish stock of conservation devices</b>	\$2,500
<b>Develop and print new emergency preparedness materials</b> and provide members with start-up supply of 1-2 new print pieces	\$10,000
<b>Update long-range forecasts</b> as part of the Population, Housing Unit, and Household Estimates and Forecasts project using updated service area boundaries and regional data. (Every five years)	\$12,300
<b>Evaluate outreach program</b> utilizing consultant services to conduct an evaluation of Consortium’s media and outreach campaign to gage if outreach efforts are effective, change people’s behavior, and what outreach methods are most effective	\$25,000
<b>Additional Graphic Designer</b> services - increase contract amount one year to update and create collateral for conservation and emergency preparedness programs	\$10,000
<b>Increase contingency</b> to \$15,000 (currently \$5000)	\$10,000
*Could be on-going depending on budget and success of program. <b>Total</b>	\$102,300

REGIONAL WATER PROVIDERS CONSORTIUM BUDGET & WORK PLAN—FISCAL YEAR 2018 - 2019					FY 18/19	FY 17/18
<b>Administration and Public Involvement</b>		<b>Staff and Material and Services</b>	<b>FTE</b>	<b>Hours</b>	<b>Cost</b>	<b>Cost</b>
<p>Work program &amp; budget development, contracting, fiscal management &amp; reporting, personnel management, business logistics, Consortium Board, Executive Committee, Consortium Technical Committee meetings and topic development, and other advisory bodies of the Consortium. Public inquiry support, public meeting set up, review of public involvement strategy, and website support. Materials and services includes meeting support, meeting room rental, public outreach, postage, etc. Administration staff to provide support to all program areas.</p> <p><b>Graphic Designer:</b> utilize professional services to provide design support for emergency preparedness, conservation and other program materials</p> <p><b>Websites:</b> includes managing and updating website and social media, website hosting, web programmer and related costs for conserveh2o and regionalh2o including merging both websites under regionalh2o.org</p>	Administration	0.7		\$96,247	\$91,525	
	Program Specialist		450	\$33,440	\$30,600	
	Graphic Designer		20	\$1,700		
	Project Manager		400	\$45,712	\$34,643	
	Materials & Services			\$14,000	\$14,000	
	Graphic Designer			\$20,000	\$10,000	
	Websites (hosting and maintenance)			\$17,000	\$14,750	
	Total Materials and Services			\$51,000	\$38,750	
	Total Staff Time	1.2		\$177,098	\$156,768	
	<b>Total for Administration and PI</b>				<b>\$228,098</b>	<b>\$195,518</b>
<b>Emergency Preparedness Program</b>						
<p>Continue work in emergency preparedness as outlined in the strategic plan goals. Includes staff support to the Consortium's Emergency Planning Committee and participation in the Regional Disaster Preparedness Organization. Includes emergency training and exercises, grant application and equipment support, update and development of emergency coordination and communication resources, update and continued development of emergency preparedness modules, maintenance of the regional interconnections geodatabase and public outreach and education. Support implementation of Oregon Resilience Plan.</p> <p><b>How to Video:</b> develop video(s) for website and social media that cover water-related emergency preparedness topics (treatment, sources, etc.)</p> <p><b>Sinking Fund:</b> initiate sinking fund for next interconnections update</p> <p><b>Trimet Bus Sides:</b> continue three-month bus side campaign with water-related tips on preparedness</p> <p><b>Exercise and Training:</b> regional exercise and Consortium-sponsored trainings</p> <p><b>TV preparedness campaign:</b> ads and stories promoting and incorporating the Consortium's water-focused emergency preparedness messaging via a television campaign.</p> <p><b>Develop and print new outreach materials:</b> develop new outreach materials and provide members with start-up supply and opportunity to order at reduced price.</p>	Project Manager		250	\$28,570	\$34,643	
	Program Coordinator		500	\$42,220	\$49,800	
	Program Specialist		300	\$22,293	\$20,400	
	Materials & Services			\$2,000	\$2,000	
	How-to Videos for website			\$2,500	\$2,000	
	Printing of outreach material			\$10,000		
	Trimet Bus Side on Emer Prep			\$22,000	\$22,000	
	Sinking Fund (Interconnections Update)			\$3,000	\$3,000	
	Exercise and Training			\$2,000	\$2,000	
	TV preparedness campaign			\$15,000	\$14,600	
	Total Materials and Services			\$56,500	\$45,600	
	Total Staff Time	0.6		\$93,083	\$104,843	
	<b>Total for Emergency Preparedness</b>				<b>\$149,583</b>	<b>\$150,443</b>
<b>Regional Coordination</b>						
<p><b>Intergovernmental Coordination:</b> includes staff participation on major federal, state and regional issues that affect water providers, with emphasis on the Oregon Water Resources Department programs and activities, Oregon Resilience Plan, Oregon legislative session and coordination with other regional stakeholders. Share climate change research and application with Consortium members.</p> <p><b>Drinking Water Advisory (DWA) Look-Up Tool:</b> continues work with Portland's Bureau of Technology Services to maintain a web-based application on www.PublicAlerts.org as a way for the general public to determine if they are affected by a DWA.</p> <p><b>Program Evaluation:</b> utilizes consultant services to conduct program evaluation of outreach program to determine effectiveness of messaging and effective outreach methods.</p> <p><b>Population and Household Estimates:</b> under new three-year IGA, continue working with the Population Research Center at Portland State University to update the population and household estimates and forecasts for water providers.</p>	Economist		40	\$4,411	\$4,182	
	GIS Tech Support		100	\$6,671	\$6,330	
	Project Manager		395	\$45,141	\$48,717	
	Program Coordinator		125	\$10,555	\$10,375	
	Drinking Water Advisory look-up			\$5,000	\$5,000	
	Program Evaluation Project			\$25,000	\$10,000	
	PSU Population Forecast Project			\$21,800	\$9,300	
	Total Materials and Services			\$51,800	\$24,300	
	Total Staff Time	0.4		\$66,778	\$69,604	
	<b>Total Regional Collaboration</b>				<b>\$118,578</b>	<b>\$93,904</b>





# Regional Water Providers Consortium

Five-Year Strategic Plan Framework

DRAFT 2/7/18

# Who We Are



## *Our Mission*

**We provide leadership in the planning, management, stewardship, and resiliency of drinking water in the Portland OR metropolitan region.**

*We do this by:*

- Providing a member-based network of peers to share knowledge, technical expertise, and resources.
- Promoting regional water conservation programs and stewardship.
- Strengthening regional emergency preparedness among water providers to safeguard the region and our customers.
- Leveraging member resources to achieve economies of scale.



# Who We Are



## *Our Values*

*These principles guide how we work together and with our partners:*

### **CONSENSUS**

We strive for one voice on matters that impact every water provider.

### **COLLABORATION**

We explore regional options, partnerships, and mutually beneficial solutions while retaining individual decision-making and accountability to our customers.

### **RESPECT**

We acknowledge our differences and engage in open, honest, and constructive dialogue.

### **STEWARDSHIP**

We advocate for wise stewardship of existing and potential sources of drinking water.

### **TRANSPARENCY**

We are open and transparent with our member organizations, the community, and the public.

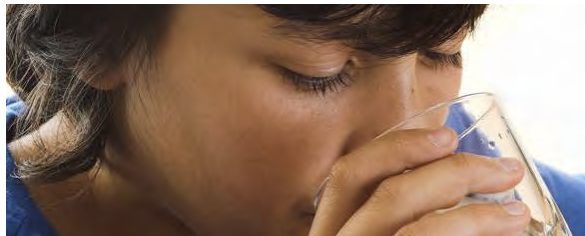
### **RESILIENCY**

We support each other as we collectively prepare to mitigate for, respond to, and recover from emergencies.

# Our Major Focus Areas



Meeting Water Needs



Emergency Preparedness and Resiliency



Strengthening Regional Partnerships



# Our Strategic Initiatives



## Meeting Water Needs

1. Make best use of available water resources and partnerships to meet regional water needs as outlined in the Regional Water Supply Plan.
2. Provide programs and resources that help water providers meet water conservation requirements.
3. Provide public education and outreach materials that promote conservation, source water protection, and value of water.
4. Anticipate and respond to changes in demand and customer/public expectations.
5. Increase accessibility of messaging and outreach materials to diverse audiences and stakeholders.

# Our Strategic Initiatives



## Emergency Preparedness and Resiliency

1. Educate public about emergency preparedness and the importance of water.
2. Obtain and develop resources that will help members and the region meet preparedness goals and requirements.
3. Facilitate planning, projects, and training opportunities that strengthen members' ability to plan for, respond to, and recover from extreme events.
4. Collaborate with state and regional stakeholders to improve regional communication, emergency preparedness, response and recovery.
5. Support each other through mutual aid, and data and resource sharing.

# Our Strategic Initiatives



## Strengthening Regional Partnerships

1. Increase awareness of the Consortium's value, mission, programs, and the benefits of membership.
2. Build strong community relationships and be trusted source for drinking water related information.
3. Maintain Board and staff continuity and effectiveness through succession planning, effective on-boarding, and member engagement.
4. Address issues of importance through legislative advocacy.
5. Facilitate a network of peers that members can rely on for information, expertise, resources, and sub-regional partnerships.

Meeting Water Needs

Emergency Preparedness and Resiliency

Strengthening Regional Partnerships



**MAJOR FOCUS AREA #1 - Meeting Water Needs**

**Strategic Initiative #1: Make best use of available water resources and partnerships to meet regional water needs as outlined in the Regional Water Supply Plan.**

- a. Utilize Consortium resources and public outreach efforts to highlight regional water supplies, importance of multiple sources and individual supplies to the public
- b. Facilitate information and resource sharing among members through meetings, presentations, website, social media, etc.
- c. Conduct annual “state of supply” review to ensure Consortium is following goals outlined in the Regional Water Supply Plan
- d. Review water demands among members to reflect on regional water use
- e. Provide more time at meetings to share information and expertise amongst members - identify critical topics annually

**Strategic Initiative #2: Provide programs and resources that help water providers meet water conservation requirements.**

- a. Continue to implement regional water conservation program that includes public outreach as its primary goal
- b. Support provider conservation programs by providing co-branding opportunities for collateral materials
- c. Develop resources for Consortium members to utilize in their outreach efforts (e.g. CCR info, web/newsletter/social media content, info sheets, etc)
- d. Provide members with information they can use to summarize how the Consortium's conservation program helps them achieve Water Management and Conservation Plan goal

**Strategic Initiative #3: Provide public education and outreach materials that promote conservation, source water protection, and value of water.**

- a. Support youth education with stage shows, resources, and participation and partnership in the Children’s Clean Water Festival
- b. Identify 2-3 key messages to prioritize and include in existing outreach efforts (e.g. fire protection, public health and safety, value of water, resiliency)
- c. Update existing messaging and materials or create new messages to meet changing needs
- d. Maintain and improve website to keep content fresh and relevant

	e.	Implement regional water conservation program focusing on public education and outreach that maximizes available resources
<b>Strategic Initiative #4:</b>	<b>Anticipate and respond to changes in demand and customer/public expectations.</b>	
	a.	Provide information and a forum for water providers to communicate about climate change impacts, and adaptation and mitigation strategies
	b.	Support studies and data collection that will assist water providers in understanding potential impacts of climate change on supply and incorporate uncertainties associated with climate change impacts
	c.	Develop high-level information on water related topics e.g. grey water, emerging contaminants of concern, and other issues or topics of importance to the public
	d.	Implement Curtailment, Coordination and Communication Plan - conduct exercise
	e.	Utilize data from program evaluation to recalibrate outreach program to meet customer expectations, utilizing effective communication methods
<b>Strategic Initiative #5:</b>	<b>Increase accessibility of messaging and outreach materials to diverse audiences and stakeholders.</b>	
	a.	Strengthen relationship with landscape community by participating in industry groups, conferences, workshops and meetings
	b.	Focus on the diverse audiences we serve in our region. Identify top three non-English languages in region and translate materials for those communities.
	c.	Increase overall accessibility of Consortium outreach materials and messaging to diverse audiences (e.g. close caption new and existing videos, increase readability of existing materials, incorporate infographics, and increase web ADA compliance)
	d.	Develop targeted messaging for landscape and irrigation professionals, and multi-family and commercial customers
	e.	Develop partnerships with organizations that represent the diversity of our region

Meeting Water Needs

Emergency Preparedness and Resiliency

Strengthening Regional Partnerships



**MAJOR FOCUS AREA #2 - Emergency Preparedness and Resiliency**

**Strategic Initiative #1: Educate public about emergency preparedness and the importance of water.**

- a. Focus on and engage diverse audiences and provide materials in other languages (ID three non-English languages in region)
- b. Build on regional outreach campaign and partnerships to promote preparedness
- c. Utilize local networks of citizen emergency response teams and other community resources and partnerships to promote and share Consortium messaging and importance of emergency water supplies
- d. Facilitate information and resource sharing among members through meetings, presentations, website, social media, etc.
- e. Maintain and improve website to keep content fresh and relevant

**Strategic Initiative #2: Develop and obtain resources that will help members and the region meet preparedness goals and requirements.**

- a. Develop grant strategy including assessing member and regional needs and providing grant support to members
- b. Identify new partnerships with external stakeholders such as businesses, utilities, and fire districts to support regional preparedness
- c. Develop and/or share resources for water provider employee preparedness
- d. Update grant funded equipment list, emergency contact list, and emergency water treatment and distribution plan

**Strategic Initiative #3: Facilitate planning, projects, and training opportunities that strengthen members' ability to plan for, respond to, and recover from extreme events.**

- a. Conduct table top exercise at least every other year and large scale exercise or drill every 3-5 years
- b. Update, maintain, and exercise regional interconnections study and engage Consortium member staff in the update and maintenance of the geodatabase
- c. Facilitate information sharing regarding continuity of operations planning
- d. Sponsor water-sector specific training (e.g. ICS roles, EOC operations, etc.)
- e. Engage in local and state training and exercise opportunities - raise profile of water utilities



<b>Strategic Initiative #4:</b>	<b>Collaborate with state and regional stakeholders to improve regional communication, emergency preparedness, response and recovery.</b>	
	a.	Continue collaboration with state and regional stakeholders such as Regional Disaster Preparedness Organization, Oregon Emergency Management, Oregon Water/Wastewater Agency Response Network, and county emergency management
	b.	Collaborate with regional stakeholders to identify staging areas for regional water treatment and distribution equipment
	c.	Participate in development of regional fuel plans
<b>Strategic Initiative #5:</b>	<b>Support each other through mutual aid, and data and resource sharing.</b>	
	a.	Develop resources (e.g. guidebooks, best management practices, brown bags) that support members in their resiliency efforts (e.g. sharing scopes of work, seismic vulnerability assessments, mapping)
	b.	Improve interoperable communications and evaluate emerging technologies (e.g. drones)
	c.	Share and coordinate training and grant opportunities
	d.	Finalize and implement stranded worker agreement

Major Focus Areas

Meeting Water Needs

Emergency Preparedness and Resiliency

Strengthening Regional Partnerships



**MAJOR FOCUS AREA #3 - Strengthening Regional Partnerships**

<b>Strategic Initiative #1:</b>	<b>Increase awareness of the Consortium’s value, mission, programs, and the benefits of membership.</b>	
	a.	Develop presentation and talking points about Consortium and its value for Consortium staff, member staff, or Board members to present to their respective Boards and Councils
	b.	Share Consortium annual report with full member Boards, Commissions, and City Councils
	c.	Encourage members to highlight Consortium resources on websites, annual reports, newsletters, Consumer Confidence Reports, social media, etc.
	d.	Develop innovative strategies for more comprehensive, relevant, effective communications and sharing of information between Consortium members, Consortium staff and member communities, such as presentations, talking points, brown bags, engagement with organizations such as Special Districts Association of Oregon, League of Oregon Cities, and American Water Works Association - Pacific NW Section
<b>Strategic Initiative #2:</b>	<b>Build strong community relationships and be trusted source for drinking water related information.</b>	
	a.	Audit member webpages for opportunities to share Consortium information
	b.	Encourage members to "like" and share Consortium social media to help broaden messaging
	c.	Create new language annually about Consortium for inclusion in member consumer confidence reports
	d.	Post member consumer confidence reports/links on Consortium webpage
	e.	Increase awareness of drinking water advisory tool to members, partners, and the public
<b>Strategic Initiative #3:</b>	<b>Maintain Board and staff continuity and effectiveness through succession planning, effective on-boarding and member engagement.</b>	
	a.	Meet with new Consortium Technical Committee members when they come on-board
	b.	Plan social event to promote member engagement and networking
	c.	Post all Consortium committee meeting minutes on member page
	d.	Develop member to member/ peer to peer "welcome" program for new Consortium Technical Committee and Board members

<b>Strategic Initiative #4:</b>	<b>Address issues of importance through legislative advocacy.</b>	
	a.	Rely on Consortium staff and member staff to bring forward legislative issues of mutual interest for discussion and action
	b.	Tap into member resources (available staff) and organizations (Oregon Water Utility Council) to help with legislative outreach and education
	c.	Identify annual list of priority issues to engage on for Board approval and action
	d.	Engage in regional issues affecting water providers like Willamette reauthorization
<b>Strategic Initiative #5:</b>	<b>Facilitate a network of peers that members can rely on for information, expertise, resources, and sub-regional partnerships.</b>	
	a.	Sponsor training on topics of mutual interest or emerging issues, regulations, etc.
	b.	Develop a "train the trainer" training program for water-related issues of interest
	c.	Conduct brown bags, speaker series, panels on topics of interest or to share information

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**Thursday, February 01, 2018**  
**6:45 PM – 8:30 PM**

**Development Services Building**  
Main Floor Auditorium, Room 115  
150 Beaver Creek Road, Oregon City, OR 97045

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**AGENDA**

**6:45 p.m. Pledge of Allegiance**

**Welcome & Introductions**

*Chair Jim Bernard & Mayor Brian Hodson, Co-Chairs*

**Housekeeping**

- Approval of January 04, 2018 C4 Minutes **Page 03**
- March meeting

**6:50 p.m. Bylaws Discussion Regarding C4 Metro Subcommittee and Transit Providers Subcommittee <Action Item> Page 05**

**7:10 p.m. Housing Needs Assessment Discussion <Action Item> Page 12**

- Memo and RFP Scope

**8:10 p.m. C4 Retreat Discussion**

**8:20 p.m. Updates/Other Business**

- JPACT/MPAC Updates
- Other Business

**8:30 p.m. Adjourn**

# General Information



## Current Voting Membership

		C4 Exec	C4 Metro	C4 Rural	JPACT	MPAC	R1ACT
<b>Clackamas County</b>	Chair Jim Bernard	●	●	●			
<b>Clackamas County</b>	Commissioner Paul Savas		●	●	●		●
<b>Canby</b>	Mayor Brian Hodson	●		●			●
<b>CPOs</b>	Laurie Freeman Swanson (Molalla CPO)	●					
<b>Estacada</b>	Mayor Sean Drinkwine			●			
<b>Fire Districts</b>	Matthew Silva (Estacada Fire District)	●					
<b>Gladstone</b>	Mayor Tammy Stempel		●				
<b>Hamlets</b>	John Meyer (Mulino Hamlet)						
<b>Happy Valley</b>	Councilor Markley Drake		●				
<b>Johnson City</b>	Vacant						
<b>Lake Oswego</b>	Councilor Jeff Gudman	●	●		●	●	●
<b>Milwaukie</b>	Mayor Mark Gamba		●			●	
<b>Molalla</b>	Mayor Jimmy Thompson			●			
<b>Oregon City</b>	Mayor Dan Holladay		●				
<b>Portland</b>	Vacant						
<b>Rivergrove</b>	Mayor Heather Kibbey		●				
<b>Sandy</b>	Councilor Carl Exner			●			
<b>Sanitary Districts</b>	Nancy Gibson (Oak Lodge Water Services)	●					
<b>Tualatin</b>	Councilor Nancy Grimes		●				
<b>Water Districts</b>	Hugh Kalani (Clackamas River Water)						
<b>West Linn</b>	Council President Brenda Perry		●				
<b>Wilsonville</b>	Mayor Tim Knapp		●		●		

## Current Ex-Officio Membership

<b>MPAC Citizen Rep</b>	Betty Dominguez
<b>Metro Council</b>	Councilor Shirley Craddick
<b>Port of Portland</b>	Emerald Bogue
<b>Rural Transit</b>	Julie Wehling
<b>Urban Transit</b>	Dwight Brashear

## Frequently Referenced Committees:

- CTAC:** Clackamas Transportation Advisory Committee (C4 Transportation TAC)
- JPACT:** Joint Policy Advisory Committee on Transportation (Metro)
- MPAC:** Metro Policy Advisory Committee (Metro)
- MTAC:** Metro Technical Advisory Committee (MPAC TAC)
- R1ACT:** Region 1 Advisory Committee on Transportation (ODOT)
- TPAC:** Transportation Policy Advisory Committee (JPACT TAC)

**Thursday, January 4, 2018**  
**6:45 PM – 8:30 PM**

**Development Service Building**  
Main Floor Auditorium, Room 115  
150 Beaver Creek Road, Oregon City, OR 97045

**Attendance:**

**Members:**     **Canby:** Brian Hodson (Co-Chair); Traci Hensley (Alt.); **Clackamas County:** Paul Savas; **CPOs:** Laurie Swanson (Molalla); Marjorie Stewart (Firwood) (Alt.); **Estacada:** Sean Drinkwine; **Fire Districts:** Mathew Silva (Estacada); **Hamlets:** John Meyer (Mulino); **Happy Valley:** Markley Drake; **Lake Oswego:** Jeff Gudman; Theresa Kohlhoff (Alt.); **Metro:** Shirley Craddick (Alt.); **Milwaukie:** Mark Gamba; **MPAC Citizen Rep:** Betty Dominguez; **Sanitary Districts:** Nancy Gibson (Oak Lodge Water Services District); **Transit:** Andi Howell (Sandy); Dwight Brashear (SMART); **West Linn:** Brenda Perry; Teri Cummings (Alt.);

**Staff:**             Trent Wilson (PGA); Chris Lyons (PGA);

**Guests:**            Jaimie Huff (Happy Valley); Jes Larson (Metro); Tracy Moreland (BCC); Karen Buehrig (DTD); John LaMotte (Lake Oswego); Mike Bezner (Clackamas County); Megan McKibben (Congressman Schrader); David Marks (CCBA); Dan Mahr (Senator Merkley); Brooke Berglund (PGE); Paul Scarlett (ODOT); Steve Williams (DTD); Tyler Frisbee (Metro); Tim Heider (PGA)

The C4 Meeting was recorded and the audio is available on the County's website at <http://www.clackamas.us/c4/meetings.html> . Minutes document action items approved at the meeting.

<u>Agenda Item</u>	<u>Action</u>
<b>Approval of December 7, 2017 C4 Minutes</b>	Approved
<b>Legislative Priority Update</b>	Chris Lyons from Clackamas County's Government Affairs office provided an update to members about expected legislation during the 2018 legislative session. Expected legislation will seek to address carbon reduction through a clean energy bill, technical amendments to HB 2017, and a potential constitutional amendments to ease restrictions on general obligation bonds to allow the private and non-profit sectors to help with affordable housing.

<p><b>Metro Housing and Transportation Bonds Discussion</b></p>	<p>Transportation Measure Update: Following an effort in 2017 by TriMet to advance a transportation bond for the region, Metro has agreed to lead a new effort and attempt a transportation measure targeted for 2020. Metro is interested in a variety of approaches and is only in the early phases of exploring the process to pursue this measure. The only certainty planned for the measure is to address the “matching” dollars for SW Corridor Project.</p> <p>Housing Measure Update: Metro will be pursuing a regional bond in 2018 to address affordable housing. Metro staff is currently in the process of meeting with local elected officials to understand local project needs and will be providing more information in the future.</p>
<p><b>Value Pricing Update</b></p>	<p>Commissioner Savas provided an update on the Value Pricing committee. No official action has come from the meetings. Letters from Metro and Clackamas County were shared in the agenda packet.</p>
<p><b>Updates/Other Business:</b></p> <ul style="list-style-type: none"> <li>• <b>Housing Needs Assessment</b></li> <li>• <b>JPACT/MPAC Updates</b></li> <li>• <b>Other</b></li> </ul>	<p>Housing needs Assessment: The February 1 C4 meeting will be devoted to the Housing Needs Assessment discussion. RFPs are currently being reviewed.</p> <p>JPACT/MPAC Updates: None</p> <p>Other: None</p>

Adjourned at 8:40 p.m.

## MEMORANDUM

**To:** Clackamas County Coordinating Committee (C4)  
**From:** Trent Wilson, Clackamas County Government Affairs Specialist  
**Date:** January 25, 2018

**Subject:** Bylaws Approval for C4 Metro Subcommittee and Transit Providers Subcommittee

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### **Overview:**

As part of the larger C4 bylaws discussion in 2017, the C4 Metro Subcommittee was tasked with determining their own priorities for their subcommittee and recommend those priorities for discussion at a future C4 meeting for adoption into the C4 Bylaws. C4 last approved a set of agreed upon bylaws on October 5, 2017, with the exception of this one pending discussion.

### ***C4 Metro Subcommittee Update:***

C4 Metro Subcommittee agreed at their November 2017 meeting on language to advance to C4, which was considered at the December 2017 C4 meeting and advanced into its required 30 days of notice for approval.

### ***Clackamas Transit Providers Subcommittee:***

In response to the transit funding discussion the December 2017 C4 meeting, members agreed to include in the bylaws language establishing a transit subcommittee. The intention of the subcommittee was to formalize a body that could be responsive to transit specific issues in and around the county, especially in the wake of HB 2017 authorizing funds that will be dedicated to transit agencies.

### **Attached:**

- **Draft C4 Bylaws including updates to C4 Metro Subcommittee and the Clackamas Transit Providers Subcommittee**



**DRAFT CLACKAMAS COUNTY COORDINATING COMMITTEE BY-LAWS**

1. **PURPOSE**

The Clackamas County Coordinating Committee (C-4) was founded by the County to promote a partnership between the County, its Cities, Special Districts, Hamlets, Villages, and Community Planning Organizations (CPOs).

C-4's primary functions are to:

- Enhance coordination and cooperation between the jurisdictions
- Establish unified positions on land use and transportation plans
- Provide a forum for issues of mutual benefit and interest
- Promote unified positions in discussions at the state and regional levels

2. **MEMBERSHIP POLICY BODY**

Committee membership shall consist of representatives from the following jurisdictions, communities, and districts:

<b>Voting Body</b>		<b>Members</b>	<b>Votes</b>
<i>* = Urban Jurisdiction</i>			
<i>^ = Urban &amp; Rural Representation</i>			
<b>County</b>	Board of County Commissioners <sup>^</sup>	2	2
<b>Cities</b>	Barlow	1	1
	Canby	1	1
	Estacada	1	1
	Gladstone*	1	1
	Happy Valley*	1	1
	Johnson City*	1	1
	Lake Oswego*	1	1
	Milwaukie*	1	1
	Molalla	1	1
	Oregon City*	1	1
	Portland*	1	1
	Rivergrove*	1	1
	Sandy	1	1
	Tualatin*	1	1
	West Linn*	1	1
	Wilsonville*	1	1
<b>Communities</b>	CPOs <sup>^</sup>	1	1
	Hamlets	1	1
	Villages	1	1
<b>Districts</b>	Fire*	1	1
	Sanitary*	1	1
	Water*	1	1
<b>Total</b>		<b>24</b>	<b>24</b>

<b>Non-Voting Body</b>		<b>Members</b>
<b>Regional</b>	Metro*	1
	Clackamas Citizen from MPAC	1
<b>Transit</b>	Rural	1
	Urban*	1
<b>Other</b>	Port of Portland*	1
<b>Total</b>		<b>5</b>

At a minimum, Clackamas County Board of Commissioners will select its two (2) elected representatives in February of odd-numbered years and notify the Secretary of C-4 by letter signed by the Chair or a designee appointed by the Chair.

At a minimum, the cities shall provide the names of their elected C-4 representatives and alternates by letter signed by the Mayor or their designee in February of each odd-numbered year to the Secretary of C-4.

The special districts/authorities representatives shall be designated by agreement among districts/authorities represented. The Hamlet and Village representatives shall be designated by agreement among the County's Hamlets and Villages represented. The process for designating the representatives shall be established by agreement among each of the groups of Districts/Authorities and Hamlets/Villages. Each of these entities shall submit the names of their elected C-4 representative and alternate to the Secretary of C-4 by letter signed by the Chairs of the Boards represented in February of every even-numbered year.

The CPO representative and alternate shall be determined in a process that is guided by the County and includes the opportunity for input of each of the County's recognized CPOs and the County's Committee for Citizen Involvement (CCI). That selection process shall be completed by February of each even-numbered year and the name of the representative and alternate shall be submitted to the C-4 Secretary.

Each jurisdiction with a voting membership shall have one (1) vote, with the exception of the County which has two (2) votes. The cities, special districts, and Clackamas County representatives to JPACT and MPAC are encouraged but not required to have their representative as a voting member or alternate on C-4.

The Metro Council shall provide the name of their C-4 representative and alternate by letter signed by the Metro President or his/her designee in February of each odd-numbered year.

The representatives from the Port of Portland, the transit agencies, and the Clackamas Citizen from MPAC are not elected officials, and their membership is determined by appointment from their respective organizations.

3. EXECUTIVE COMMITTEE

The Executive Committee shall be comprised of a representative of: (a) the board of county commissioners, (b) an urban city, (c) a rural city, (d) water and sewer districts, (e) fire districts, and f) Hamlets, Villages, and CPOs. The Executive Committee will establish the agendas for meetings of C-4, including additional agenda request items that may be made as set forth in section 5(G) of these Bylaws, and may make recommendations to the C-4 body on action items as appropriate. C-4 Metro Jurisdiction cities and Rural Cities shall elect their respective Executive Committee representatives annually at the March C-4 Regular meeting. Special Districts shall annually determine their own Executive Committee representative selection process and shall submit the name of the appointment by a letter signed by the chairs of the special district boards to the Secretary of C-4 at or before the March C-4 meeting.

4. OFFICERS

The co-chairs of the Executive Committee will also serve as the co-chairs of C-4 and shall be elected annually at their March meeting by members of the Executive Committee from among its members. The County member will co-chair the Executive Committee and C-4. The secretary of the Executive Committee and C-4 shall be a county staff member designated by the Board of County Commissioners.

5. PROCEDURES

A. Meetings

All meetings of C-4 and any of its subcommittees are considered public meetings under Oregon's Public Meetings Law. Meetings will be held monthly on a day to be determined by C-4 or called as needed by the co-chairs or by a vote of C-4. The secretary is responsible for notifying members of the meeting time and place and for preparing the agenda. Meeting notices will be provided to the C-4 members, interested parties, and to the public as soon as practicable and shall include a list of the principal subjects anticipated to be considered.

B. Quorum

A quorum of C-4 shall consist of a majority of the participating jurisdictions' voting members.

C. Voting

Votes in C-4 shall carry by a simple majority of those present, provided that no action shall be taken unless a quorum is present. Only members or their designated alternate shall have voting rights.

D. Alternates

A designated alternate will sit in the absence of a member and shall have full voting rights. Alternates will be appointed by the member jurisdiction. There shall be no alternates for either of the co-chair positions.

E. Records

All C-4 actions shall be documented in the form of minutes, memoranda and special reports. The secretary will be responsible for such documentation and distribution of such minutes, memoranda and reports.

F. Rules

Meetings shall be conducted in accordance with Sturgis' Standard Code of Parliamentary Procedure.

G. Additional Agenda Requests

Before presentation to C-4 for action, agenda items shall be presented to the Executive Committee for consideration and placement on the agenda of an upcoming meeting of C-4. Only voting members of C-4 shall be eligible to recommend agenda placement items. If the Executive Committee declines to place an item on the C-4 agenda, then any voting member may present the agenda item for consideration of placement as an agenda item to the entire C-4 body. The matter shall be presented by the voting member under "other business." If C-4 votes in the affirmative to place the matter on the agenda, then it will be placed as an agenda item on the next meeting agenda. If that agenda is full, then not later than the following meeting, unless a later agenda date is otherwise agreed to by the voting C-4 members present. Compliance with this section may be waived where circumstances warrant faster action by an affirmative vote of two-thirds of those C-4 voting members present.

6. ADVISORY SUBCOMMITTEES:

A. Metro Subcommittee

C-4 members who are within the Metro jurisdiction or serve on the Joint Policy Advisory Committee on Transportation (JPACT) or the Metro Policy Advisory Committee (MPAC) shall be a subcommittee of C-4 named "C-4 Metro Subcommittee." This subcommittee shall be a consensus forming body for issues being addressed at JPACT and MPAC and other Metro related issues, and will forward as needed recommendations to the larger C-4 body. This subcommittee will be led by two co-chairs consisting of (1) one Clackamas County commissioner and (1) one Clackamas city member. Both co-chairs will serve as voting members on either JPACT or MPAC. This subcommittee will also be able to facilitate limited decisions through special caucus, specifically a caucus of city members to discuss the selection of the city co-chair and the selection of the MPAC Other Cities of Clackamas County seat per Metro MPAC Bylaws and, if approved by Clackamas County's largest city per Metro JPACT bylaws, the selection of the JPACT Cities of Clackamas County seat, with each seat having a primary representative and an alternate.

~~C-4 members who are within the Metro jurisdiction shall be a subcommittee of C-4 named Metro subcommittee. This subcommittee shall at a minimum be the body which nominates and elects cities' representatives to: Joint Policy Advisory Committee on Transportation (JPACT); Metro Policy Advisory Committee (MPAC) and associated technical committees: Transportation Policy Advisory Committee (TPAC); and Metro Technical Advisory Committee (MTAC) respectively. These nominations and elections~~

~~shall occur in November of each even numbered year in accordance with Metro Charter requirements.~~

B. Rural Cities Subcommittee

C-4 members who are outside of the Metro jurisdiction shall be a subcommittee of C-4 named Rural Cities subcommittee. This subcommittee shall at a minimum develop positions relative to transportation issues and related funding for presentations to the ODOT Region 1 Area Commission on Transportation (RIACT). The Rural Cities subcommittee shall also consider coordination with the County, State, and other jurisdictions as appropriate, on land use, planning, or other issues that may uniquely affect these cities located outside of the Metro boundaries.

C. Clackamas Transit Providers Subcommittee

~~C-4 members who represent areas utilizing transit services shall form a subcommittee named Clackamas Transit Providers Subcommittee. Each transit district within the boundaries of Clackamas County will be represented by at least one (1) C-4 city member and a representative from the respective transit district. The Clackamas Transit Providers Subcommittee will meet as needed to coordinate on county-wide transit related issues and will provide recommendations to C-4 for official positions.~~

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D. Management Advisory Subcommittee

The administrator of each city, district, authority and county shall serve as a Management Advisory Subcommittee. This subcommittee will provide overview and advice to C-4 and support the work of the Technical Subcommittees. The subcommittee shall also have the responsibility, as directed by C-4, of constituting any ad hoc subcommittees or other groups established for information and advice on specific issues. The Management Advisory Subcommittee shall meet as needed.

~~D~~E. Technical Advisory Subcommittees

C-4 shall be informed and advised by the following standing Technical Advisory Committees, as well as other ad hoc subcommittees established and chartered at the direction of the co-chairs for information and advice on specific issues, plans or projects of interest to C-4.

1. Clackamas Transportation Advisory Committee (CTAC)

The membership of CTAC shall consist of staff representatives of all agencies on the policy body and is to review transportation plans, projects, and funding issues, and make recommendations to C-4. CTAC shall operate under the same procedures as the policy body, and will meet as needed to be determined by committee members. Member cities will have only one vote when votes are required.

2. Land Use Advisory Subcommittee

The membership of this subcommittee shall consist of the planning directors or the staff persons with lead planning responsibility for all agencies on the policy body. The subcommittee is to focus on land use issues and transportation issues

that may have an impact on land use. The subcommittee shall operate under the same procedures as the policy body, and will meet as needed to be determined by subcommittee members or when scheduled by the chairman or by a vote of the subcommittee.

7. DEFINITIONS

Urban cities are those incorporated cities located, either fully or partially, within Clackamas County and also located within Metro's Urban Growth Boundary.

Rural Cities are those incorporated cities located within Clackamas County and also located outside Metro's Urban Growth Boundary.

The Hamlets and Villages are designated communities recognized by Clackamas County as participating in the Hamlets and Villages Program.

Housing as a topic of discussion is not specifically found in the primary functions of the bylaws, but is understood by C-4 to fall within land use and transportation issues.

Community Planning Organizations (CPOs) are officially recognized by the County and statutorily defined public bodies that consist of citizen volunteers who represent their neighborhoods on issues of importance to local communities and make decisions and recommendations to the County.

8. AMENDMENTS

These by-laws may be amended from time to time by a majority of the members of C-4, provided that all voting members of C-4 and all fire districts, water districts/authorities and sanitary sewer districts/authorities have been sent copies of the proposed amendments thirty (30) days prior to the meeting where action on the rules is scheduled.

Adopted on September 26, 2001  
Amended on March 3, 2005  
Amended on February 5, 2009  
Amended on January 7, 2010  
Amended on November 3, 2011  
Amended on April 4, 2013  
Amended on December 5, 2013  
Amended on January 5, 2017  
Amended on October 5, 2017

## MEMO

**To:** Clackamas County Coordinating Committee (C4)  
**From:** Trent Wilson, Clackamas County Government Affairs Specialist; Chuck Robbins,  
Clackamas County Housing & Community Development Director  
**Date:** January 25, 2018  
**Subject:** C4 Discussion regarding County-wide Housing Needs Assessment (HNA)

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### Discussion Questions

- Does C4 agree that pursuing a county-wide housing needs assessment (HNA) is still a productive approach to address housing throughout the county?
- Do C4 members agree to advance the conversation to their council/commission to discuss participation in a county-wide HNA?
- What do C4 members require to be successful in sharing this information with their council/commission?

### Overview

Clackamas County Coordinating Committee agreed in 2017 to move forward with an RFP to perform a county-wide housing needs assessment (HNA). C4 reviewed the draft scope of work at their September 7, 2017 meeting. *The intention of the county-wide HNA was to pool resources to gather data that would enable cities to achieve Department of Land Conservation and Development (DLCD)'s Goal 10 requirements and provide the county with strategic policy insight on where best to target housing initiatives.*

### Available Information Concerning RFP Responses

Special Note: Even though a proposal has been recommended, **the contract is not finalized** and so there are limits to what can be shared regarding the chosen proposal. The number of submissions will not be shared, as well as the names of the proposal organizations.

### Details of the Preferred Proposal:

- The review panel felt the preferred proposal was the most responsive to the RFP and best represented the desired product outlined in the scope of work approved by C4. The preferred proposal was also the highest proposed cost.
- The County would receive a full Housing Needs Assessment and Buildable Lands Inventory, as well as additional policy research that would support the County's Housing and Community Development Department, thus increasing its ability to better work with jurisdictions through the county to support housing needs.

- The cities would receive data that achieves the research requirements of their Goal 10 needs and additionally provides a comprehensive buildable lands inventory and additional housing data (e.g. forecasting, housing needs by income category). However, this proposal complies with the cities’ request to limit the scope of research to data-only, meaning the proposal, if chosen, would not conduct additional work to help each city finalize Goal 10. Additionally, the preferred proposal would accomplish its work with less reliance on city staff than other proposals.
- To accomplish an HNA in compliance with Goal 10, cities would still be required to:
  - Facilitate community involvement opportunities
  - Adopt the information into the city’s Comprehensive Plan

Cost of the Selected Proposal:

- Proposals ranged from: \$81,000 to \$174,865
- Division of costs if prorated by population (as previously discussed at C4):

	Estimated Tot	**Adjusted Tot		Proposal Estimates	
				\$ 81,000	\$ 174,865
Unincorporated	197,091	197,091	57.43%	\$ 46,522	\$ 100,433
Barlow	135	135	0.04%	\$ 32	\$ 69
Canby	16,420	16,420	4.78%	\$ 3,876	\$ 8,367
Damascus	-	-	0.00%	\$ -	\$ -
Estacada	3,155	3,155	0.92%	\$ 745	\$ 1,608
Gladstone	11,660	11,660	3.40%	\$ 2,752	\$ 5,942
Happy Valley	18,680	18,680	5.44%	\$ 4,409	\$ 9,519
Johnson City	565	565	0.16%	\$ 133	\$ 288
Lake Oswego	34,855	-	0.00%	\$ -	\$ -
Milwaukie	20,510	-	0.00%	\$ -	\$ -
Molalla	9,085	9,085	2.65%	\$ 2,144	\$ 4,629
Oregon City	34,240	34,240	9.98%	\$ 8,082	\$ 17,448
Portland *	766	-	0.00%	\$ -	\$ -
Rivergrove *	459	459	0.13%	\$ 108	\$ 234
Sandy	10,655	-	0.00%	\$ -	\$ -
Tualatin *	2,911	26,054	7.59%	\$ 6,150	\$ 13,276
West Linn	25,615	25,615	7.46%	\$ 6,046	\$ 13,053
Wilsonville *	21,260	-	0.00%	\$ -	\$ -
<b>TOTAL</b>	<b>408,062</b>	<b>343,159</b>	<b>100%</b>	<b>\$ 81,000</b>	<b>\$ 174,865</b>
** Excludes Pop for Portland, Milwaukie, L.O., Sandy, and Wilsonville					

Review Panel:

- Brian Hodson, Canby Mayor, C4 Co-Chair
- John LaMotte, Lake Oswego Councilor



- Laura Terway, Oregon City Community Development Director
- Mike McCallister, Clackamas County Planning Director
- Chuck Robbins, Clackamas County Housing and Community Development Director
- Trent Wilson, Clackamas County Government Affairs Specialist

### **Recommended Next Steps**

A decision by C4 to advance with the current county-wide HNA proposal would include the following steps:

- In February: the county and cities would agree to present the available information to their appropriate councils/commissions to determine:
  - Does our jurisdiction wish to participate?
    - If not, what would have to be true for our jurisdiction to participate?
  - Does our jurisdiction agree the acquired information from this study either accomplishes a need or advance our goals towards addressing housing in our communities?
    - If not, what needs to change?
  - If our jurisdiction participates, does the scope of work meet our needs or do we need to propose amendments to enable us to receive the best value from this study?
- At the March 1, 2018 C4 meeting, jurisdictions return to share discussion points, with a possible action item to advance the study.
- Officially advancing the study would likely include:
  - Negotiating the scope and cost of the contract with the selected consultant.
  - Agreements between jurisdictions on financing the study.
  - A dedicated point of contact with each jurisdiction participating.
  - A formalized timeline of the project.

### **Attachments**

- Approved Scope of Work from RFP

## SECTION 3 SCOPE OF WORK

### 3.1. INTRODUCTION

Clackamas County is seeking Proposals for a vendor to provide an in-depth analysis of the current and future needs of affordable, workforce and other housing options in Clackamas County.

**Please direct all Technical/Specifications or Procurement Process Questions to the indicated representative referenced in the Notice of Request for Proposals and note the communication restriction outlined in Section 2.19.**

### 3.2 BACKGROUND

**PURPOSE:** The Clackamas County Housing Needs Assessment (HNA) should provide the following information and analysis:

- The data must be broken out in the following subsets:
  - Countywide Summary
  - Each of the 11 jurisdictions noted in 3.2; and
  - Unincorporated Area, defined as:
    - NW Urban Area
    - East County/Mountain Area
    - South Rural County
- Provide an in-depth analysis of the current as well as the future needs for affordable, workforce and other housing options primarily of current and future community households, reported incrementally in relation to the Area Median Income (“AMI”).
- Develop a set of quantifiable recommendations to bridge those identified gaps.
- Form a foundation of understanding based on segregated data sets for each Jurisdiction for strategic planning to address local housing needs. The researcher should also be able to present the data for countywide issues as well.
- Provide information necessary to meet Oregon’s Statewide Planning Housing Goal (Department of Land Conservation and Development Goal 10 – Housing – See Attachment).

**STUDY AREA:** The study area includes 11 of the 15 cities and the unincorporated area of Clackamas County (Jurisdictions). Taken from the 2010 Census and 2015 American Community Survey (ACS) 5-Year Estimates is information on the Total Population and Total # of Housing Units in each Jurisdiction. The City of Lake Oswego, City of Milwaukie, City of Sandy and the City of Wilsonville have completed their own Housing Needs Assessments and are not part of the Jurisdictions included in the HNA. However their information needs to be incorporated in all discussions and produced materials concerning countywide goals, objectives and issues.

	2010 Census		2015 ACS	
	Pop	# Units	Pop	# Units
City of Canby	15,829	5,890	16,951	3,164
City of Gladstone	11,497	4,779	11,741	4,946
City of Rivergrove	289	133	355	156
City of Johnson City	566	278	573	287
City of Estacada	2,695	1,155	2,968	1,343
City of West Linn	25,109	10,035	25,963	10,271
City of Happy Valley	13,903	4,708	16,462	5,489
City of Molalla	8,108	3,017	8,726	3,184
City of Sandy*	9,570	3,768	10,134	4,156
City of Oregon City	31,859	12,900	34,480	13,313
City of Tualatin	26,054	10,528	26,806	11,166
City of Barlow	135	45	147	48
City of Milwaukie*	20,291	9,138	20,566	9,308
City of Lake Oswego*	36,619	16,995	37,628	17,073
City of Wilsonville*	19,509	8,487	20,803	8,488
Unincorporated Clackamas County	180,013	75,617	181,941	75,558

### 3.3 SCOPE OF WORK

**PROJECT GOALS & OBJECTIVES:** The Jurisdictions desire to have a wide range of quality housing options, both rental and for sale products, available for existing and future Clackamas County residents. In order to accomplish this, the HNA must:

- Analyze current housing conditions and project future housing needs.
- Define the gap between the current housing options and the number and type of housing units needed by households. Including: low-income, special needs population (i.e. elderly and disabled), workforce housing (between 60% and 120% of AMI), and labor housing (e.g. farming, Mt. Hood Seasonal employment, tourism).
- Assess and illustrate the current balance of housing stock in each Jurisdiction.
- Assess the condition of the housing stock within each Jurisdiction and explore available methods to improve and maintain quality housing.
- Take into account housing needs of the Portland Metro region as a whole, including the need for affordable housing, especially as it relates to the location of such housing proximate to job sites.
- Identify barriers or constraints to developing or rehabilitating housing both economically and efficiently. (i.e. What are the costs of rehabilitation and how accessible are those costs to home/landowners?)
- Establish criteria for housing development based on the employment growth rate, income levels, family composition in both new construction and rehabilitation or infill for existing neighborhoods.
- Using existing transportation data, predict the impact of future transportation patterns, constraints, and challenges on projected employment and housing patterns.
- Provide a framework for meeting the demands of the changing (and growing) housing market.

**MINIMUM REQUIRED DATA ELEMENTS:** The Consultant selected to complete the HNA is free to develop specific methodology as they deem appropriate. However, the final document should, at a minimum, quantify the following data elements:

- Existing Housing stock
- By tenure – rent, own (Rental to be broken down into short-term and long term lease)
- By type – single, multi family, manufactured, rental, senior
  1. Subsidized, income-restricted units (project based, tax credit, etc.)
  2. Age-restricted units (both subsidized and market rate)
  3. Handicap-accessible units (both subsidized and market rate)
  4. Special needs units (e.g., D.O.C. transitional housing)
  5. Units in mobile home parks, RV parks, and manufactured housing developments
  6. Unrestricted market-rate units
  7. Single-family and multi-family
- By value – property values, rents
- By age and condition
- Vacancy rates

### **HOUSING & LAND ISSUES**

- Buildable Land Inventory
- Housing market turnover/sales data
- Building permit history
- Land Use Projects – where is the development occurring and where is it likely to occur in the future?
- Rental Housing Demand
- Infrastructure capacity/challenges (if applicable)
- Rehab of existing housing stock
- Development of new housing stock

**DEMOGRAPHICS:** now and future (5 yr., 10 yr., 15 yr.)

- Population and demographic trends
- Households by income, age, size
- Wages and household income
- Migration patterns and areas of high gentrification (if available)

### **ECONOMICS**

- Economic base – by industry and key employer
- Anticipated employment trends
- Commuting patterns – employment and services (ex. education, retail, health care, manufacturing, etc.)
- Workforce Housing Needs and Availability
- Future growth and projects (as identified in this process)

### **RESEARCH QUESTIONS**

- What can our cities and county expect with respect to economic, employment, and population change in the next 5- 10- and 15-years?
- Based on market and gathered research information, what is the nature and extent of short-to-mid-term housing demand in our Jurisdictions?
- What will the demands be for the different housing types over the next 15-years?

- What are the development action steps recommended for each jurisdiction?
- How should each jurisdiction prioritize the needed actions steps?
- What funding opportunities are available to assist in meeting the action items?
- What development opportunities are available to assist in meeting the action items?
- How many “oversized houses” exist in each jurisdiction, and are there land use codes preventing conversion of those houses into multifamily housing?

**3.3.3. Term of Contract:**

The term of the contract shall be from the effective date through June 30, 2017.

**3.3.4 Sample Contract:** Submission of a Proposal in response to this RFP indicates Proposer’s willingness to enter into a contract containing substantially the same terms (including insurance requirements) of the sample contract identified below. No action or response to the sample contract is required under this RFP. Any objections to the sample contract terms should be raised in accordance with Paragraphs 2.2 or 2.3 of this RFP, pertaining to requests for clarification or change or protest of the RFP/specifications, and as otherwise provided for in this RFP. This RFP and all supplemental information in response to this RFP will be a binding part of the final contract.

The applicable Professional Services Contract for this RFP can be found at <http://www.clackamas.us/bids/terms.html>.

Professional Services Contract - (unless checked, item does not apply)

The following paragraphs of the Professional Services Contract will be applicable:

- Article I, Paragraph 4 – Travel and Other Expense is Authorized
- Article II, Paragraph 29 – Confidentiality
- Article II, Paragraph 29 – Criminal Background Check Requirements
- Article II, Paragraph 30 – Key Persons
- Exhibit A – On-Call Provision

The following insurance requirements will be applicable:

- Professional Liability: combined single limit, or the equivalent, of not less than \$1,000,000 per occurrence, with an annual aggregate limit of \$2,000,000 for damages caused by error, omission or negligent acts.
- Commercial General Liability: combined single limit, or the equivalent, of not less than \$1,000,000 per occurrence, with an annual aggregate limit of \$2,000,000 for Bodily Injury and Property Damage.
- Automobile Liability: combined single limit, or the equivalent, of not less than \$500,000 per occurrence for Bodily Injury and Property Damage.

## Lara Christensen

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**From:** Nancy Gibson  
**Sent:** Friday, January 26, 2018 9:42 AM  
**To:** Sarah Jo Chaplen; Lara Christensen  
**Subject:** Fwd: Meeting Notice: C4 Meeting, 02-01-18

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

All,

This is the link the C4 packet. Please include for Board packet for our next meeting.

Thank you.

Nancy Gibson, Director  
Oak Lodge Water Services District

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**From:** Wilson, Trent <TWilson2@co.clackamas.or.us>  
**Sent:** Thursday, January 25, 2018 5:54:40 PM  
**Subject:** Meeting Notice: C4 Meeting, 02-01-18

### **Meeting Notice**

C4 Meeting  
Thursday, February 01, 2018  
6:45 p.m. to 8:30 p.m.  
Clackamas County Development Services Building  
Main Floor Auditorium, Room 115  
150 Beaver Creek Road, Oregon City

**Agenda materials for the February 01, 2018 meeting can be accessed here: <http://www.clackamas.us/c4/>**

Please feel free to contact me with questions about the agenda.

Thank you,

**Trent Wilson | Government Affairs Specialist**  
Clackamas County Public & Government Affairs  
Public Services Building | 2051 Kaen Road, Suite 426 | Oregon City, OR 97045  
Office: 503.655.8206 | Cell: 971.263.4183

*The Public & Government Affairs Department is open Monday-Thursday 7am-6pm and closed on Fridays.*

# Council, DEQ discuss water quality

By Dean Rhodes

*Smoke Signals editor*

Tribal Council held a 90-minute government-to-government meeting with Oregon Department of Environmental Quality staff, including Director Richard Whitman, on Monday, Nov. 27, and most of the conversation centered on water quality in the state.

Whitman, who was accompanied by Water Quality Program Manager Jennifer Wigal and Water Quality Manager Christine Svetkovich, started the meeting with some bad news – Oregon is one of the worst states in the nation in keeping its water quality permits current.

“We have the second worst backlog of work on our federal water quality permits,” Whitman said. “For me, as director of the agency and I think for the agency itself, that is not an acceptable situation.”

Whitman cited federal law that allows permit holders to extend their five-year permits indefinitely if they apply for renewal before the permit expires, and thereby never having to comply with new water quality standards established by the Department of Environmental Quality after the permits are initially issued.

“Over time, it can have a real impact in terms of the degree to which we are protecting human health and the environment,” Whitman said. “That is why it is such a significant concern for us and should be a significant concern for the Tribes as well.”

He said there is no incentive, such as financial penalties, for water quality permit holders to get their permits updated and that there is always resistance from the regulated community to more stringent treatment regulations. “They have a disincentive for getting their permits updated,” he said.

Whitman also cited outdated data collection practices, flat or declining resources allocated to the department and a more complicated legal environment as the result of lawsuits as other reasons for an increase in the water quality permit backlog.

Tribal Council Chairwoman Cheryl A. Kennedy opened the meeting saying that the Tribe is willing to assist in any way it can to help the state protect the environment, particularly fish habitat.

“Knowing that there are difficult times ahead of us, or it seems like, we certainly want you to know that we are here to help in any way that we can,” Kennedy said. “As Tribes, we are able to lobby our Congress people and to inform them in great detail of what our wishes and needs might be. That is something that we are willing to do and we just ask that you put forward some issues



Photo by Michelle Alaimo

**Richard Whitman, director of the Oregon Department of Environmental Quality, speaks during a meeting with Tribal Council in the council's conference room on Monday, Nov. 27.**

that we would be able to address more readily.”

Kennedy was joined by Vice Chair Chris Mercier, Secretary Jon A. George, Michael Langley, Brenda Tuomi, Kathleen George, Jack Giffen Jr. and Denise Harvey in the meeting. Kathleen George was appointed to serve on the Environmental Quality Commission, which oversees the Department of Environmental Quality, earlier this year by Gov. Kate Brown.

Tribal staff in attendance included Natural Resources Department Manager Michael Wilson, Senior Staff Attorney Jennifer Biesack, Tribal Lands Project Administrator Brandy Humphreys, Environmental Resources Specialist Meagan Flier, Ceded Lands Program Manager Michael Karnosh and Planning Department Manager Rick George.

Whitman said his department is working to improve its status in the country regarding issuing and renewing water quality permits. Staff has been reorganized to work only on issuing and updating permits and a Water Quality administrator will be added to increase accountability within the Water Quality Program.

“Those changes will put us on a pathway toward updating many of these older permits, but by themselves they will not be sufficient to get us to where we need to go,” Whitman said.

Whitman said the Tribe could help the department during the 2019 session of the Oregon Legislature by lobbying for increased funding, either through increased fees or more general fund money

so that staff members can protect Oregon's water. He added that federal support probably will decrease in the near future under the budgets proposed by the House of Representatives, Senate and Trump administration.

“We are probably going to have to do it by getting fees increases approved by the Oregon Legislature,” he said, adding that 60 percent of the Water Quality Program's funding derives from fees.

Wigal said enforcing water quality standards is getting more complex because of lawsuits and court decisions that are creating a “significant workload” for the department.

Those Oregon court decisions accompanied by short time frames during which to accomplish court-mandated goals affect such things as the temperature standards established to protect salmon to the amount of mercury allowed in Willamette Basin fish.

“We're in a ‘do’ loop,” Whitman said. “Litigation that is creating a lot of uncertainty about what requirements are that make it very difficult for us to get permits updated, which means the permits are not being brought into compliance with the standards that we all know they need to be complying with.”

Kennedy said her concerns regarding TMDLs – total maximum daily loads – is that when they are established nothing appears to change.

“I still have my reservations about that earlier fish consumption rate because we didn't have good data,” Kennedy said. “We were just drawing at straws, trying to put our hands on what could be the potential cost to Natives who eat so much more fish. ... Fish is brain food, so if you are eating more fish it will probably affect your brain to a greater degree than other groups.”

The Tribe worked with DEQ to increase the statewide fish consumption rate to 175 grams per day in 2011. In September, the Tribe sent a letter to Whitman expressing concern that the fish consumption rate was not being fully implemented.

“Water resources are of paramount importance to the Tribe,” Karnosh said. “It is No. 1 on the Tribe's priority list. A lot of the irreplaceable cultural resources for the Tribe, from runs of salmon to Pacific lamprey to aquatic plant species, they all depend really highly on water quality.”

Wilson, who has spent time in the Willamette River harvesting Pacific lamprey at the falls at Oregon City as part of the Tribe's restored fishing rights, said he is concerned about the water quality and the frequent sewage releases that occur upriver near Salem. He added that standards need to be created regarding acceptable levels of pharmaceuticals found in Oregon's waterways.

Flier said she would encourage the state Department of Environmental Quality to be more preventive than reactionary, as well as update water quality standards as river systems change in reaction to global warming.

“We are concerned about a lot of the same things that you are,” Wigal said, adding that the department works with other organizations, such as state universities and Tribal nations, to keep up to date on technical aspects of monitoring water quality.

Kathleen George said water quality in Oregon is a big question with myriad answers and that the Grand Ronde Tribe wants to hold the state accountable while also being helpful.

“A lot of those answers are not implemented to the degree that the Tribe would want to see or to the degree that DEQ would want to see,” George said. “I am deeply concerned about Oregon and about our weak ability to protect our waters.”

George suggested that the department become a stronger, more robust regulatory agency, responsibility for testing be increased on permittees and that more work be done with Tribal partners to increase understanding of the importance of DEQ's mission.

Kennedy agreed, saying that the burden should be placed on polluters to clean up their act.

Giffen said the state needs to end its practice of renewing water quality permits indefinitely, which prevents permit holders from ever following current standards. “That's the key to the preventive process,” he said.

Whitman also briefly discussed the Portland Harbor, which was designated as a Superfund site 17 years ago. He said after initial apprehension that the Trump-era Environmental Protection Agency might abandon a record of decision issued 10 months ago regarding cleaning up the area, it appears the federal agency is going to do the “right thing.”

However, Whitman also suggested keeping an eye on the EPA to ensure it follows the record of decision and gets responsible parties to clean up the polluted site. He said he is now hopeful the site will be cleaned up by 2035.

Whitman added that the Department of Environmental Quality continues to seek “active participation” from Oregon Tribes in performing its work to protect the state's environment.

At the end of the meeting, Secretary Jon A. George gifted the three DEQ employees with dentalium necklaces. ■

January 24,2018

To: Nancy Gibson, Susan Keil, Lynn Fisher, Jim Martin

CC: Sarah Jo Chaplen

From: Kevin Williams *K.W.*

Subject: Jennings Lodge C.P.O. meeting

Karen Bjorkland had contacted the residents of Jennings Lodge that are elected or appointed to serve on Boards or committees that conduct business or operations that impact Jennings Lodge. I worked through Sarah Jo to have staff prepare speaking points for me and delivered that information staff did a great job and are to be commended for their efforts.

Questions arose about traffic safety and residents being able to get to the Boardman wetlands after our project is completed. There are several planned projects including the rebuild of Jennings to include bicycle and pedestrian facilities. the State has a plan to put a strobe light crosswalk at Boardman and McLoughlin.

The other question that came up was about our new billing plan. I explained to everyone that we had been strategic in getting out the information early about our plan so people would have adequate time to modify their home budgets and not get surprised when the billing cycle and amounts changed. I also explained that we will no longer have the ability to certify delinquent accounts and that we will be turning off water when we cant reach agreements for payment. I went on to say that we intend to work with low income or elderly customers that find themselves in that position.

The group did a table exercise to take the local priorities identified at an earlier meeting and come up with the top 6 priorities that we would like the County to address in their review and modification of Zoning Ordinances. Not surprisingly, Stormwater was near the top of the list.

There is a desire to recognize businesses in the community that preserve historic buildings in the community. For example, the Brush and Palette group on McLoughlin and Jennings spent more money than needed to reside their building this past year. the cedar shake siding was more in keeping with its historic look. jane Morrison will be heading up the committee to figure out how to do this.

There were reports from other groups regarding the library project, the Urban Watersheds Council and Map-It. Map-It is going through a restructuring process of sorts to add local business people to the team. I see this as a pretty positive move since the



business people have more impact with the County Commission than most citizen groups.

There was also a report on the Evangelical Retreat Center. It sounds as if the Corps of Engineers is actually listening to the many citizens and groups that have offered information regarding the historical significance of the property and the buildings remaining. The developer of this project is the second largest in the country so holding them up has to be costing them money? In any case, the process is continuing and Karen Bjorkland seems hopeful that we may see some trees retained and potential scalebacks of the project scope and size.



**Tuesday, January 23, 2018**

*Church of the Nazarene, 4180 S.E. Jennings Ave.*

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7:00 p.m. **Call to Order**

- Introductions
- Treasurer's Report
- Approval of Draft Minutes

7:10 p.m.\* **Announcements**

7:15 p.m.\* **Reports from Jennings Lodge Residents on Public Boards**

- Amanda Gresen - Historic Review Board.
- Kevin Williams - Oak Lodge Water Services District
- Stephanie Kurzenhauser - Community Health Council Board; North Clackamas Parks & Recreation District Budget Committee
- Grover Jeffrey Bornefeld - Clackamas County Library Board of Trustees - Oak Lodge Library, Library District Advisory Committee

7:40 p.m.\* **Gathering Direction on 6 Top Local Priorities**

8:00 p.m.\* **Proposal to Recognize Local Businesses Preserving Historic Buildings**

8:05 p.m.\* **Reports from Official JLCPO Representatives to Other Groups**

- Steve Berliner - North Clackamas Urban Watersheds Council
- Grover Jeffrey Bornefeld - Concord Community Stakeholders
- Linda Neumann, Tea Godfrey, Karen Bjorklund & Ed Gronke - MAP-IT
- Karen Bjorklund - CPO Summit

8:25 p.m.\* **Other Reports**

Update on ERC Section 106 Historic Determinations Process

8:30 p.m.\* **Jennings Lodge Land Use**

\*Times Tentative

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The next Jennings Lodge CPO meeting will be February 27, 2018.

**For more information, email [jenningslodgpecpo@gmail.com](mailto:jenningslodgpecpo@gmail.com)**

Draft Jennings Lodge CPO 12-5-17 Regular Meeting Minutes

**Jennings Lodge Community Planning Organization Meeting Minutes**

**MODERATOR:** Karen Bjorklund

**DATE:** December 5, 2017

**RECORDER:** Jane Morrison

**LOCATION:** Church of the Nazarene

Notice for the meeting included press releases to the Clackamas Review newspaper, email notification to all on the JLCPO email list, notices on the Clackamas County CPO webpage and the JLCPO Facebook page, outdoor lawns signs and social network NextDoor.

Voting Members in attendance (22):

Karen Bjorklund, Grover Bornefeld, Brian Dirks, Patrick Fisher, Virginia Foster, Terry Gibson, Tea Godfrey, Ira Godfrey, Amanda Gresen, Ed Gronke, Tom Humphreys, Curt Kurzenhauser, Stephanie Kurzenhauser, Carol Mastronarde, Marna Moore, Jane Morrison, Linda Neumann, Pat Reinert, Rita Tolonen, Norm Tolonen, Kay Weaver, Tom Weaver.

The meeting was called to order by Jennings Lodge CPO Chair Karen Bjorklund at 7:02 p.m.

**INTRODUCTIONS:** Each attendee introduced themselves.

**BUSINESS:** Treasurer's Report; Draft Minutes of the October meeting were adopted as submitted.

**Proposed Amendments to the Jennings Lodge CPO Bylaws**

Karen thanked the Bylaws Committee, who have been working for many months, getting feedback earlier this year at JLCPO meetings, and twice from the JLCPO Board of Directors. A draft of the proposed changes was emailed to all on the CPO email list. In the course of their work, the Committee also identified some topics that could better addressed elsewhere and will be included in new separate document: JLCPO Policies & Procedures. Ed Gronke moved to approve the Bylaws as submitted by the Bylaws Committee. Linda Neumann seconded the motion.

Vote: In favor 20; opposed 0; abstain 0.

Voting members in favor: Grover Bornefeld, Brian Dirks, Patrick Fisher, Virginia Foster, Terry Gibson, Tea Godfrey, Ira Godfrey, Amanda Gresen, Ed Gronke, Tom Humphrys, Curt Kurzenhauser, Stephanie Kurzenhauser, Carol Mastronarde, Jane Morrison, Linda Neumann, Pat Reinert, Rita Tolonen, Norm Tolonen, Kay Weaver, Tom Weaver

**Proposal to Recognize Local Businesses Preserving Historic Buildings**

Jane Morrison proposed the CPO recognize notable examples of historic preservation projects, such as the recent exemplary restoration of the Brush & Palette Building, adding that both residential and commercial historic buildings should be recognized and thanked for investing in our neighborhood. Rita Tolonen suggested we recognize builders who build responsibly and save trees. Grover Jeffrey Bornefeld suggested the CPO form a subcommittee to recommend a recognition program at the next meeting. Rita and Amanda Gresen volunteered to join Jane in this subcommittee. The committee will bring a recommendation to the January meeting.

**MAP-IT (McLoughlin Area Plan Implementation Team)**

*Additional Alternate Representative:* Karen reported that one of our MAP-IT representatives, Tea Godfrey, will be unable to attend meetings for a few months. Ed Gronke volunteered to be an alternate representative for Jennings Lodge. Terry Gibson moved and Linda Neumann seconded a motion to appoint Ed Gronke as an alternate Jennings Lodge representative to MAP-IT.

Vote: In favor 21; opposed 0; abstain 0.

## Draft Jennings Lodge CPO 12-5-17 Regular Meeting Minutes

he updated the status of the new county libraries for Gladstone and Oak Lodge. Gladstone has to pass a measure related to this in their May election.

Tea Godfrey made a motion, seconded by Terry Gibson, that Grover Bornefeld represent the Jennings Lodge CPO at Concord Community Stakeholders meetings.

Vote: In favor 21; opposed 0; abstain 0.

Voting members in favor: Grover Bornefeld, Brian Dirks, Patrick Fisher, Virginia Foster, Terry Gibson, Tea Godfrey, Ira Godfrey, Amanda Gresen, Ed Gronke, Tom Humphrys, Curt Kurzenhauser, Stephanie Kurzenhauser, Carol Mastronarde, Marna Moore, Jane Morrison, Linda Neumann, Pat Reinert, Rita Tolonen, Norm Tolonen, Kay Weaver, Tom Weaver

Linda Neuman asked if we need an alternate. As Stephanie Kurzenhauser is facilitating the meetings, she offered to bring back information about meetings if Grover is not able to attend, so an alternate may not be needed. The meetings will be closed through March, then open to the public.

### Top ZDO Amendment Proposals for 2018/19 Planning Division work plan

Karen reported that the results of the dots exercise at the October JLCPO meeting on the top proposals on changes to the Zoning Ordinance to send to the Planning Division, for their 2018/19 work plan, are:

- Identify new open space and create a mechanism to identify those spaces.
- Require jurisdictional storm water authority comments on storm water plans to be submitted with land use application, or before public hearing, to provide for public comment.
- Ensure parks and open spaces are available to support new development.
- Add language to protect neighborhood character and requires development is compatible with identified character, and create mechanism to protect areas of R-10 zoning.
- Require that developments incorporate certain natural resource preservation techniques.
- Preserve current tree canopies (through building limitations on land with large tree canopies, and requiring planned unit developments with 20% open space to preserve trees).

### Update on the Evangelical property historic review process

Karen reported on the status of the process, which includes conference calls every two weeks with the consulting parties. There are currently two main points under discussion: (1) While the applicant continues to advocate for skipping to the end of the process, local community parties (the JLCPO and the Oak Lodge History Detectives) and two national preservation groups agree that the first step (the identification phase) has not been completed. We are arguing that in addition to historic buildings, the landscape features (such as the groves of Douglas firs) are historically significant, and have been overlooked in the identification step. This is important in order to argue for preserving some of them. (2) The two national groups and the local community parties are asking the Corps of Engineers and the applicant for a factual and professional analysis of alternatives on minimizing (reducing the impact) or mitigating the adverse impact to the historic resources, which they have not provided so far.

### COMMUNITY ANNOUNCEMENTS

- Stephanie Kurzenhauser: Passed around a sign-up sheet for refreshments for the next six months.
- Terry Gibson: **Watershed Councils Tree and Greens Sale**, December 9 at McLoughlin Plaza.
- Thelma Hagenmiller: **Trolley Train Watch Group** doesn't have representatives from Jennings Lodge. Contact Thelma, or Sarah McClurg at the Sheriff's Office, if interested.
- Carol Mastronade: Offered her copy of the original ERC application to anyone who wanted it. Amanda Gresen indicated interest.
- Karen: Happy Holiday season!

**MEETING ADJOURNED at 8:52 pm.**



## AGENDA ITEM

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**Agenda Item:** Executive Session  
**Item No.:** 10  
**Presenters:** Board Members

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### **Background:**

Convene Executive Session under ORS 192.660 2(f) to consider information or records that are exempt by law from public inspection and ORS 192.660 2(h) for consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.



## **AGENDA ITEM**

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**Agenda Item:** Adjourn Executive Session  
**Item No.:** 11  
**Presenters:** Board Members

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**Background:**

Adjourn Executive session and make any necessary motions as a result of Executive Session discussions.