

**ROCKWOOD WATER P.U.D.**  
**MINUTES, SPECIAL MEETING OF THE BOARD**  
**FEBRUARY 2, 2005**  
**Rockwood Water Boardroom**

---

---

**Board members present:** Sandra Ramaker, Herb Brown, Stephen McElroy, Larry Dixon, Don McCarthy.

**Staff present:** Harvey Barnes, District Manager (DM); Kathy Stine, Administrative Secretary (AS).

**Guests present:** Fran Hyson, Jeanne Orcutt, Kim Swan, Art Landis, Scott Forrester.

President **Sandra Ramaker** called the meeting to order at 7:04 p.m.

**APPROVAL OF THE AGENDA**

**Herb Brown moved to approve the agenda. Don McCarthy seconded the motion. The motion was approved; none opposed.**

**RESOLUTION 04/05-007 TO ANNEX CLACKAMAS RIVER WATER DISTRICT**

**Ramaker** stated that DM Barnes would present the information with discussion to follow. **Scott Forrester** asked the Board if staff had brought to their attention his three page letter which includes a request for adding his issue to the agenda prior to this agenda item. **Ramaker** replied that the board is not discussing any other items tonight on this agenda. The meeting was set for a specific purpose.

**Mr. Forrester** commented that this meeting was not called properly according to statute. **Ramaker** responded that the meeting was called and noticed properly. **Mr. Forrester** asked if he could speak to that on record. **Ramaker** replied after the presentation. **Mr. Forrester** commented on there being no discussion on non-agenda items.

**DM Barnes** explained that the resolution is pretty much the same as the Board has seen twice before adding that the boundary issues have been resolved. He reviewed the resolution noting key differences. (1) This will be a contingent ballot; an affirmative vote will be required from each of the north and south sections of CRW. All together there are 13 different parcels in CRW; there will be an election in each of the 13 areas. It is not necessary for all of those to have an affirmative vote for the annexation to pass. (2) It addresses concerns regarding the transfer of water out of the Clackamas River basin in the summertime and depleting the water supply; the resolution specifically states that RWPUD will not take more than 6 million gallons per day of water from the Clackamas River treatment plant to the current RWPUD service area unless emergency conditions exist. He emphasized that this will limit the District's options for transferring water out of the Clackamas Basin in the future should the annexation occur. He noted that both the resolution and the ballot title reflect this change.

**Herb Brown** asked DM Barnes to confirm that if either the north or south section votes no, the annexation is canceled. **DM Barnes** replied that's correct.

**Ramaker** asked for public comment. **Fran Hyson** commented on limiting the amount of water in the contract and noted Gresham's development of Pleasant Valley and the water needs out there. She doesn't think the amount from CRW is feasible. She believes the reason Gresham wants to

partner is to meet its development needs. If the case is that the District can't get the water from CRW, then in her opinion it will have to buy more water from Portland to supply what's needed. The ratepayers would be subject to paying for that. Is it going to be that Gresham will have to pay the extra cost? She commented further on development in the area.

**DM Barnes** replied that the only thing we've committed to the City of Gresham is the water it's willing to develop in groundwater and they have to pay for that. If it has to buy any more water off the Bull Run, it would have to pay for that as well in addition to any added infrastructure. He emphasized that Gresham is not part of the CRW annexation issue.

**Fran Hyson** asked if it's in writing that Gresham isn't going to ask for more water supply from CRW. **DM Barnes** replied that we can't stop any city from asking another entity for more water, but Rockwood citizens will not have to pay for the expansion in Gresham.

**Scott Forrester** stated that he would be submitting a written public records request for a copy of the public notice that was adhered to the front door area. He commented on his efforts today to obtain a copy of the resolution or draft resolution to review prior to tonight's meeting; neither was available. He referred to his three page hand-written letter citing many board rules that were violated. He submitted it in the form of a complaint against the District Manager as the chief staff person executing the will of the Board; however, in not writing another letter, he included at the end of the third page, an action request unrelated to a staff complaint procedure.

**Forrester** requested on record that the meeting be adjourned prior to a decision being made and that another special or the next regular meeting be used as the vehicle for an appropriately, publicly noticed meeting. He added that now that the document is ready it can be made available to the Friends of the Clackamas, interested citizens and the press to review; they can then choose to show up and make appropriate public comment. He reminded everyone that under ORS 192, which is open meetings and public records law, any meeting that takes place that does not meet the standards for appropriate notice, of which this meeting does not, any decision or action flowing there from is null and void if pursued in court.

**Forrester** stated his intention to go to the Board of the Friends of the Clackamas River and seek an injunction or other action by a judge having this particular issue addressed. He added that in an effort to avoid that, the Board may be proactive and schedule an appropriate meeting with appropriate public notice. He would be glad to speak at that time. He commented on the meeting notice not be posted in the window until after he left the office at 4:50 p.m. **Forrester** noted the date at the bottom of the notice as being 2-2-05. He stated that the minimum notice requirement is 72 hours. He added that this allows for those interested to obtain copies of important documents. He commented further on violation of district policies and state statutes. He submitted his public request for the meeting notice. **Forrester** then indicated that the Friends of the Clackamas Board opposes the annexation.

**Sandra Ramaker** stated that she believes the meeting was appropriately noticed. She explained that although the documents were not ready before and there were a couple of changes, it's still basically the same resolution the Board has been working on. **DM Barnes** added that notice was submitted to both the Oregonian and the Gresham Outlook on Friday. He noted that the Gresham Outlook noticed it on the front page of today's paper. He explained that the law requires that we publicly notify the press, but we cannot compel the papers to print any of our notices. The special

meeting was noticed as required. Notice was submitted to the press and provided to the District's board packet mailing list via e-mail, fax or phone. **DM Barnes** stated that he is confident that followed all public notice laws.

**Scott Forrester** replied that he was not sent notice or called. He added that he did read about it in the paper today, but that is not statutorily correct. He commented that Clark Balfour, as normal course of business for CRW, publishes by paying the Oregonian and getting a receipt that documents the time of publication. **Forrester** noted his public records request for both the receipt and a copy of the actual words sent to either the Gresham Outlook or the Oregonian for publication. He stressed that faxing to a press agency is no guarantee of them publishing a public notice but the law states you must publicly notice.

**Forrester** commented further on problems with notifying interested citizens including him. He again commented on the lack of notice posted on the door. He restated the Board's options for holding another meeting that is publicly noticed.

**Herb Brown** commented that the discussion is that the Board felt it was appropriate when the CRW Board passed a resolution to consider Rockwood as being probably the best source for future engagement to protect its boundaries from annexation by cities. Rockwood then passed a resolution to annex CRW. He noted the boundary issues outlined by DM Barnes earlier. **Brown** expressed his support of the issue proceeding with the May ballot.

**Scott Forrester** asked if it would be of help to the Board to receive copies of his letter. **Ramaker** replied that was made available. He submitted his copy of the letter for the record.

Discussion followed regarding CRW boundary issues and how they were addressed in the resolution.

**Herb Brown moved to approve resolution 04/05-007. Larry Dixon seconded the motion. The motion was approved; none opposed.**

**DM Barnes** indicated that the resolution would be filed with the Clackamas County Board of Commissioners.

#### **ADJOURNMENT**

**Don McCarthy moved that the meeting be adjourned. Herb Brown seconded the motion. The motion was approved; none opposed.**

The meeting was adjourned at 7:55 p.m.

---

Secretary