

**TVWD BOARD OF COMMISSIONERS** 

President Todd Sanders, PhD | Vice President Carl Fisher

Secretary Jim Doane, PE | Treasurer Elliot Lisac | Commissioner Jim Duggan, PE

# **Board Meeting Agenda**

# June 26, 2024

# **EXECUTIVE SESSION – 5:15 PM – TVWD HEADQUARTERS**

An executive session of the Board is called under ORS 192.660(2)(e) to conduct deliberations to negotiate real property transactions, 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed, and 192.660(2)(f) to consider information or records that are exempt by law from public inspection.

## **REGULAR SESSION – 6:00 PM – TVWD HEADQUARTERS**

## CALL TO ORDER

## REPORTS BY THE CHIEF EXECUTIVE OFFICER AND MANAGEMENT STAFF

## **COMMISSIONER COMMUNICATIONS**

- A. Reports of meetings attended
- B. Topics to be raised by the Commissioners

#### **PUBLIC COMMENT**

This time is set aside for persons wishing to address the Board on items on the Consent Agenda and matters not on the agenda. Additional public comment will be invited on agenda items as they are presented. Each person is limited to five minutes, unless an extension is granted by the Board. Should three or more people testify on the same topic, each person will be limited to three minutes.

#### 1. CONSENT AGENDA

These items are considered to be routine and may be approved in one motion without separate discussion. Any Board members may request that an item be removed by motion for discussion and separate action. Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Board has approved those items which do not require discussion.

- A. Approve the May 15, 2024 Regular Meeting Minutes
- B. Approve the June 4, 2024 Work Session Meeting Minutes
- C. Chief Executive Officer Evaluation Criteria

#### 2. BUSINESS AGENDA

A. North Plains Intergovernmental Agreement - Pete Boone, PE; Chief Operating Officer

#### ADJOURNMENT

If you wish to attend this meeting remotely or in person, please email <u>sam.kaufmann@tvwd.org</u> or call 503-848-3094 by 4:30 p.m. on June 26, 2024.

The meeting is accessible to persons with disabilities and those who need qualified bilingual interpreters. A request for an interpreter for the hearing impaired, a bilingual interpreter or for other accommodations should be made at least 72 hours before the meeting to the contact listed above.

For online meeting information, Commissioner bios and more, visit tvwd.org.



# **Board Meeting Minutes**

May 15, 2024

#### **REGULAR MEETING - 6:00 PM**

#### CALL TO ORDER

Commissioners Present: Jim Doane, PE, Jim Duggan, PE; Carl Fisher; Elliot Lisac, Todd Sanders, PhD

Staff Present: Paul Matthews, Chief Executive Officer; Clark Balfour, General Counsel; Justin Carlton, Chief Financial Officer; Pete Boone, PE, Chief Operating Officer; Dave Kraska, PE, Water Supply Program Director; Andrew Carlstrom, Customer Service Director; Justin Dyke, Communications Director; Kylie Bayer, Human Resources Director; Tim Boylan, IT Services Director; and Sam Kaufmann, District Recorder.

#### **REPORTS BY THE CHIEF EXECUTIVE OFFICER AND MANAGEMENT STAFF**

Paul Matthews presented the Chief Executive Officer report.

Justin Dyke presented the director's report for the Communications department.

#### COMMISSIONER COMMUNICATIONS

A. Reports of meetings attended.

Commissioners described and submitted a list of recently attended meetings (see attached forms).

B. Topics to be raised by the Commissioners.

None.

#### **PUBLIC COMMENT**

There were none.

#### **1. CONSENT AGENDA**

- A. Approve the April 17, 2024 Regular Meeting Minutes
- B. Approve the May 7, 2024 Work Session Meeting Minutes
- C. Metro Policy Advisory Committee Washington County Special District Representative

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

#### 2. BUSINESS AGENDA

A. Authorization of Contract-Specific Exemption by Local Contract Review Board – Justin Carlton, Chief Financial Officer

Commissioner Sanders adjourned the TVWD Board meeting at 6:30 PM.

Commissioner Sanders convened the Local Contract Review Board meeting at 6:30 PM.

Justin Carlton presented his staff report on the Authorization of Contract-Specific Exemption for Moss Adams LLP.

Motion was made by Duggan, seconded by Doane to adopt Resolution 12-24, a resolution by the Local Contract Review Board approving a contract-specific exemption for Moss Adams LLP as the independent external auditor for the Tualatin Valley Water District. The motion passed unanimously with Doane, Duggan, Fisher, Lisac and Sanders voting in favor.

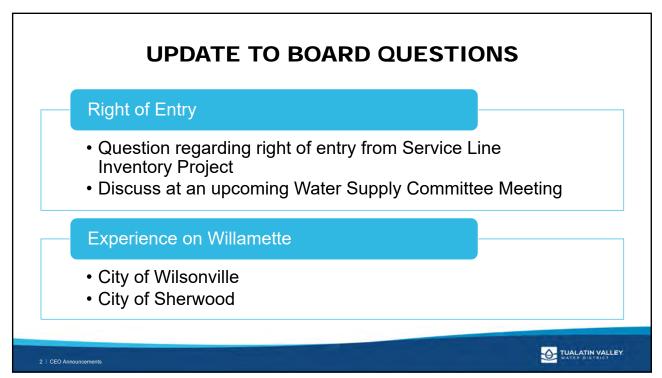
#### ADJOURNMENT

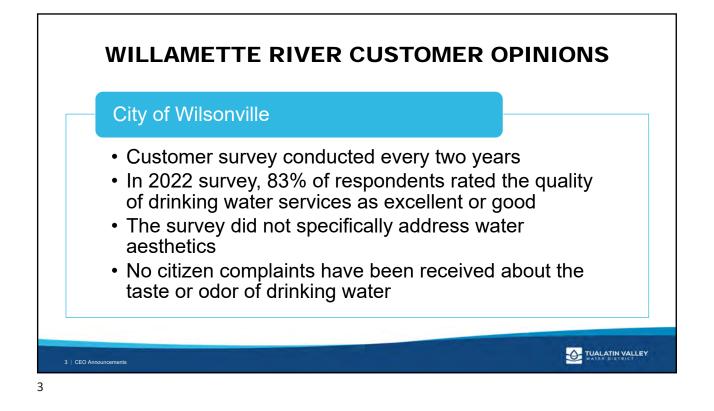
There being no further business, Commissioner Sanders adjourned the meeting at 6:37 PM

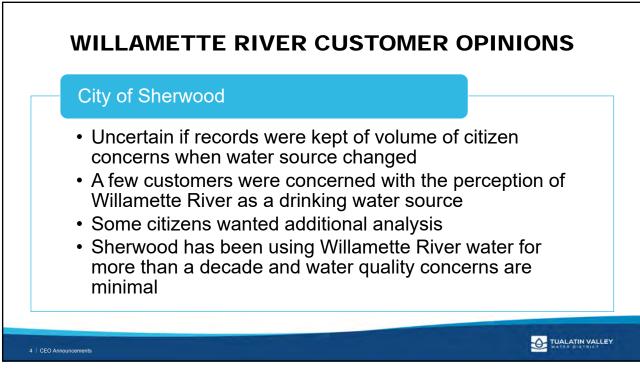
Todd Sanders, President

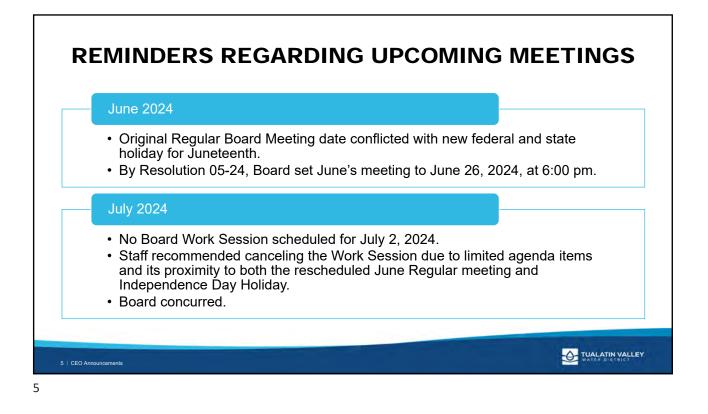
Jim Doane, Secretary

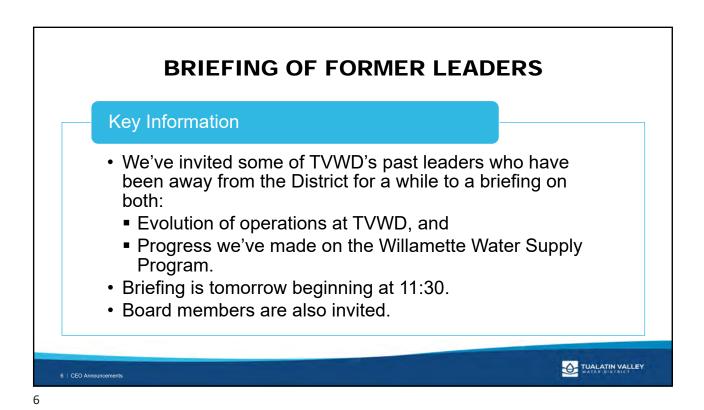






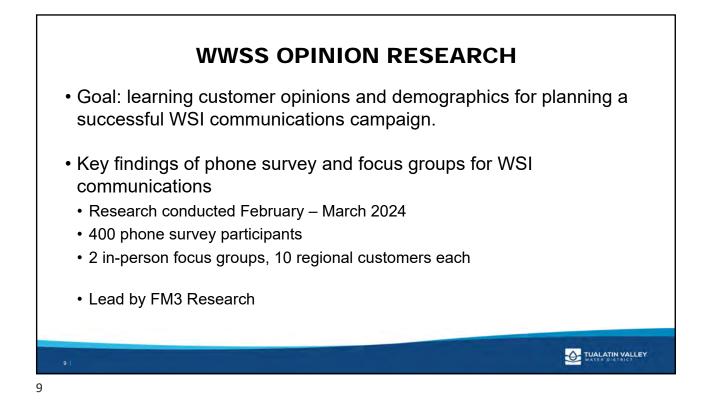


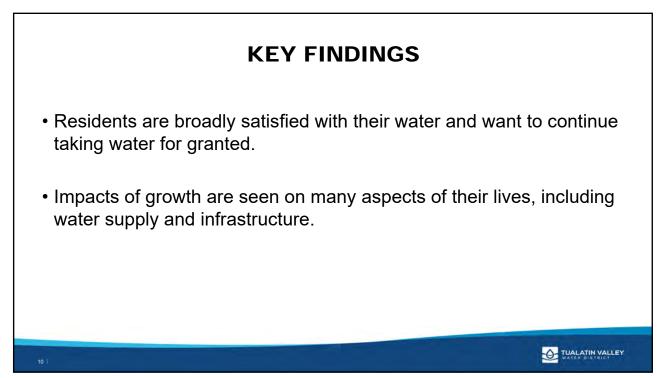


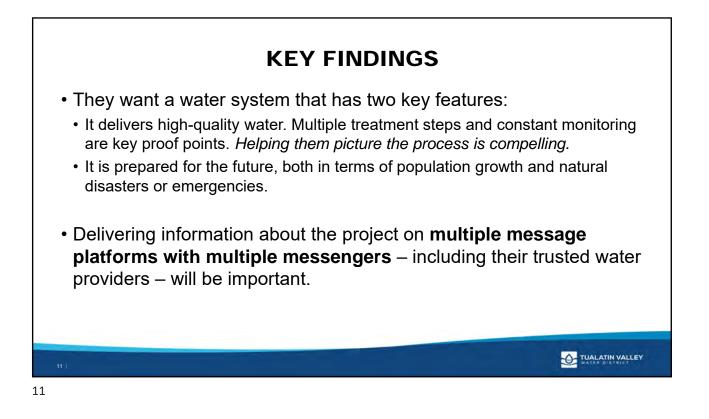


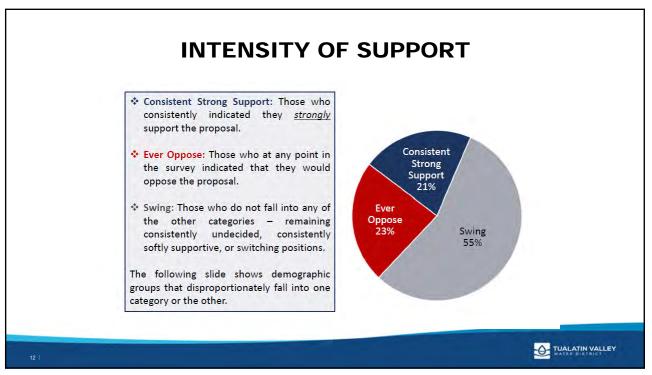


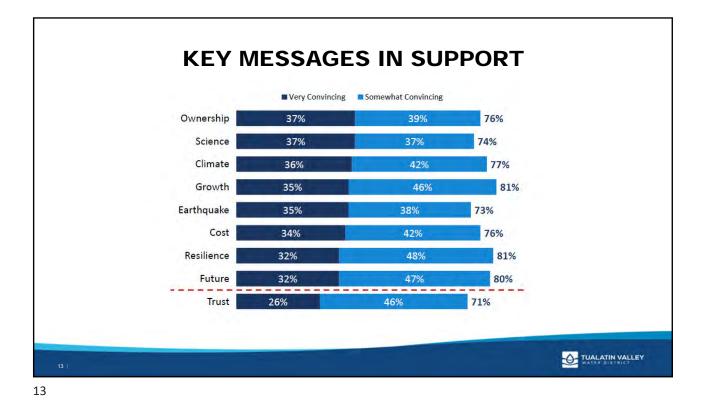




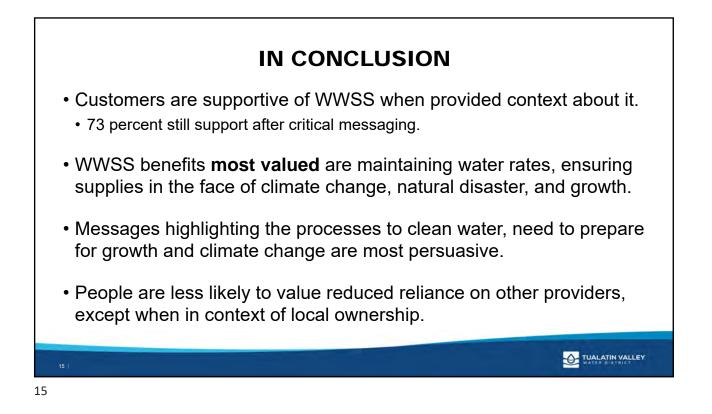


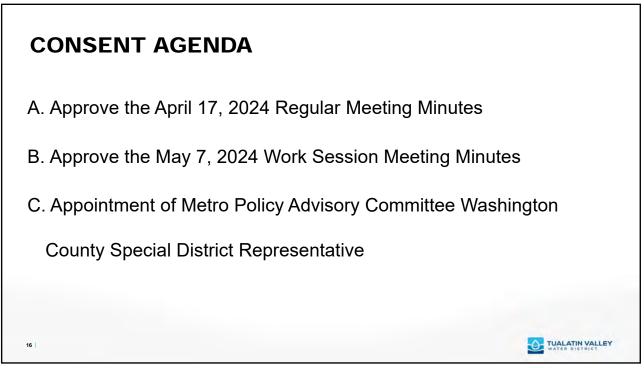


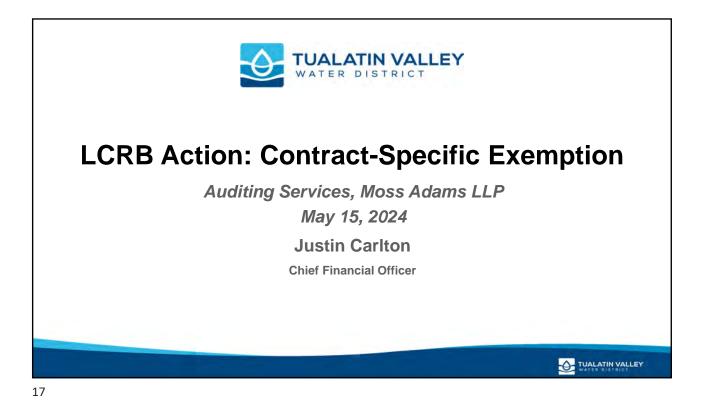




		Very Convincing			
Statement	All Resp.	Swing	Softly Supportive and Undecided	Positive Intensit Movers	
Ownership	37%	<mark>36%</mark>	29%	<mark>42%</mark>	
Science	37%	<mark>36%</mark>	29%	<mark>38%</mark>	
Climate	36%	<mark>34%</mark>	26%	<mark>45%</mark>	
Growth	35%	31%	25%	<mark>39%</mark>	
Earthquak	35%	30%	24%	29%	
Cost	34%	30%	26%	22%	
Resilience	32%	29%	23%	28%	
Future	32%	28%	22%	27%	
Trust	26%	20%	13%	24%	







# LOCAL CONTRACT REVIEW BOARD RULES

Division 120 of the LCRB Rules allow for special procurements to be exempt from competitive bidding with the approval of the Board, provided certain circumstances exist:

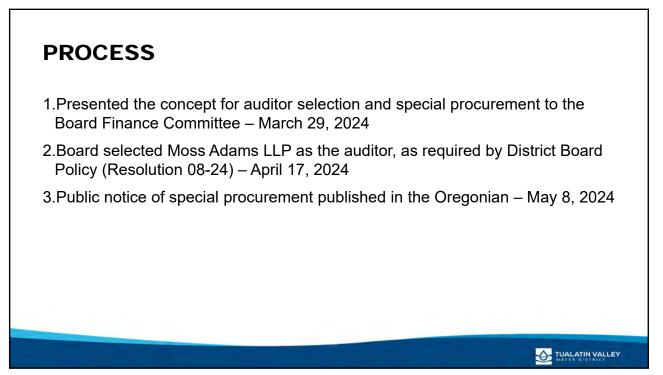
- 1. The special procurement is unlikely to encourage favoritism in the awarding of a public contract or substantially diminishes competition for public contracts, and
- 2. Results in substantial cost savings to the District or to the public, or
- 3. Substantially promotes the public interest in a manner that could not be realized through competitive bidding methods.

TUALATIN VALLEY

# **EVALUATION**

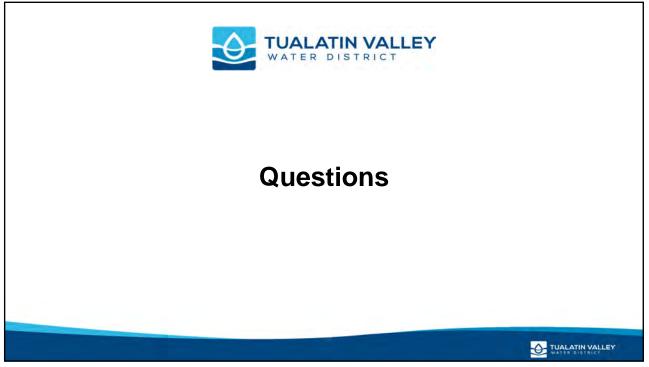
Staff believes selecting Moss Adams as the District's auditor substantially promotes the public interest due to:

- 1. The complex nature of the accounting associated with the Willamette Water Supply Program (WWSP)
- 2. Moss Adams' familiarity and acceptance of the accounting methods
- 3. The volume of WWSP transactions through 2027



# **RECOMMENDED ACTION**

Acting as the Local Contract Review Board, adopt Resolution No. 12-24 declaring an exemption from competitive bidding for the auditing services contract for Moss Adams LLP.





#### Commissioner Doane

	Date	Meeting or Function	Purpose	\$	Claimed
				1	🗆 Yes X No
	5/7	Work Session		50	□ Yes X No
	5/15	Regular Mtg	1	50	□ Yes X No
					🗆 Yes No
					🗆 Yes No
					🗆 Yes No
			-		🗆 Yes No
	1	1 000			□ Yes No
		Chandha			🗆 Yes 🗆 No
L5 May	2024 _	Requested by:	Jim Doane	K to Day \$100 (	00 to CEAF - SK
			Commissioner	K 10 Fay \$100.0	10 10 CEAF - 3N
			20		
Dat	te: May 15	Approved by:			
			President		

ORS 198.190, "A member of the governing body of a district may receive, not to exceed \$50.00 for each day or portion thereof as compensation for services performed as a member of the governing body. Such compensation shall not be deemed lucrative. The governing body may provide for reimbursement of a member for actual and reasonable traveling and other expenses necessarily incurred by a member in performing official duties." *Please note that in accordance with ORS 294.331 (3), members of the budget committee shall receive no compensation for their services as members of such committee.* 

In accordance with Board Policies, an amount equal to the unclaimed reimbursements for meetings will be transferred to the District's Customer Emergency Assistance Fund.



Commissioner: Carl Fisher

Date: 5/15/2024

Date	Meeting or Function	Purpose	\$	Claimed
4/24/24	WEA House Speaker Forum	Hear from new house speaker on agenda relating to Wash. Co.	50	Yes No
5/07/24	TVWD Work Session	Regular work session	50	Yes No
5/13/24	Tigard State of City	Meet with Tigard Leaders	50	Ves No
5/14/24	TVWD Agenda Planning Meeting	Plan board meeting	50	Yes No
5/15/24	TVWD Board Meeting	Regular Board Meeting	50	Yes No
			50	Yes No
				Yes
				Yes
				Yes No
				Yes

#### OK to Pay \$250.00 - SK

<sub>Date:</sub> 5/15/24

Approved by: 7

X President Secretary

ORS 198.190, "A member of the governing body of a district may receive, not to exceed \$50.00 for each day or portion thereof as compensation for services performed as a member of the governing body. Such compensation shall not be deemed lucrative. The governing body may provide for reimbursement of a member for actual and reasonable traveling and other expenses necessarily incurred by a member in performing official duties." Please note that in accordance with ORS 294.331 (3), members of the budget committee shall receive no compensation for their services as members of such committee.

In accordance with Board Policies, an amount equal to the unclaimed reimbursements for meetings will be transferred to the District's Customer Emergency Assistance Fund.



Commissioner: Lisac

Date: 5/15/24

Date	Meeting or Function	Purpose	\$	Claimed
5/7/24	Board Work Session	Budget Officer, Auditor	50	✓Yes No
5/10/24	Call with President Sanders	CEO evalution discussion	50	✓ Yes No
5/15/24	Board Meeting	May meeting	50	Yes No
				Yes No

Date: 5/15/24

Approved by

President Secretary

ORS 198.190, "A member of the governing body of a district may receive, not to exceed \$50.00 for each day or portion thereof as compensation for services performed as a member of the governing body. Such compensation shall not be deemed lucrative. The governing body may provide for reimbursement of a member for actual and reasonable traveling and other expenses necessarily incurred by a member in performing official duties." *Please note that in accordance with ORS 294.331 (3), members of the budget committee shall receive no compensation for their services as members of such committee.* 

In accordance with Board Policies, an amount equal to the unclaimed reimbursements for meetings will be transferred to the District's Customer Emergency Assistance Fund.



#### Commissioner Jim Duggan

Date	Meeting or Function	Purpose	\$	Claimed
4/24/2024	Metro MPAC	Waste Fees; Housing DD	50	x Yes □ No
5/07/2024	TVWD Board Work Session	WWSP & LSL Inv. Update	50	x Yes 🗆 No
5/08/2024	TVWD Talkin' Water Webinar	Spring Irrigation Maint.	50	x Yes 🗆 No
5/14/2024	Wash. Co. CPO#1	TriMet & Peterkort	50	x Yes 🗆 No
5/15/2024	TVWD Board Meeting	Regular Monthly Mtg.	50	x Yes 🗆 No
				□ Yes □ No
			-	□ Yes □ No
				🗆 Yes 🗆 No
				□ Yes □ No
		-		□ Yes □ No

Date: \_\_\_5

5/15/2024

Requested by: James. J. Dugga

OK to Pay \$250.00 - SK

Date:

5/15/24

Approved by:

President

ORS 198.190, "A member of the governing body of a district may receive, not to exceed \$50.00 for each day or portion thereof as compensation for services performed as a member of the governing body. Such compensation shall not be deemed lucrative. The governing body may provide for reimbursement of a member for actual and reasonable traveling and other expenses necessarily incurred by a member in performing official duties." *Please note that in accordance with ORS 294.331 (3), members of the budget committee shall receive no compensation for their services as members of such committee*.

In accordance with Board Policies, an amount equal to the unclaimed reimbursements for meetings will be transferred to the District's Customer Emergency Assistance Fund.



# This page intentionally left blank



WATER DISTRICT

# **Board Work Session Minutes**

June 4, 2024

### WORK SESSION - 6:00 PM

### CALL TO ORDER

Commissioners Present: Jim Doane, PE; Jim Duggan, PE; Carl Fisher; Elliot Lisac, Todd Sanders, PhD

Commissioners Excused: Todd Sanders, PhD

Staff Present: Paul Matthews, Chief Executive Officer; Pete Boone, PE, Chief Operating Officer; Dave Kraska, PE, Water Supply Program Director; Kylie Bayer, Human Resources Director; Andrew Carlstrom, Customer Service Director; Tim Boylan, IT Services Director; and Sam Kaufmann, District Recorder.

#### ANNOUNCEMENTS

Paul Matthews presented the Chief Executive Officer announcements.

Commissioner Fisher and Commissioner Doane asked to attend the Portland Water Bureau Bull Run tour on July 21, 2024.

#### **DISCUSSION ITEMS**

A. Chief Executive Officer Performance Criteria. Staff Report – Paul Matthews, Chief Executive Officer

Paul Matthews introduced Judy Clarke. Ms. Clark presented the staff report on the proposed CEO performance criteria.

B. Willamette Water Supply System Commission Update. *Staff Report – Dave Kraska, PE; Willamette Water Supply Program Director* 

Dave Kraska, PE, gave his update on the Willamette Water Supply System Commission.

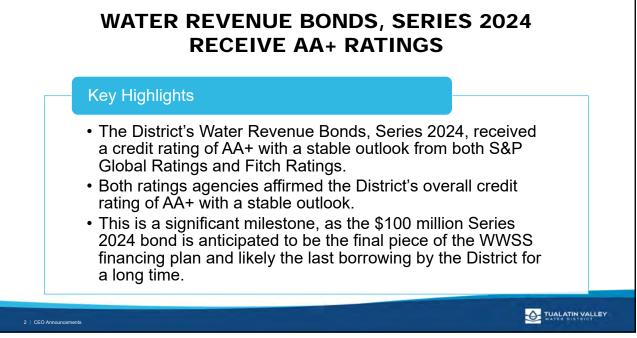
C. Board Officer and Committee Appointments. Staff Report – Paul Matthews, Chief Executive Officer

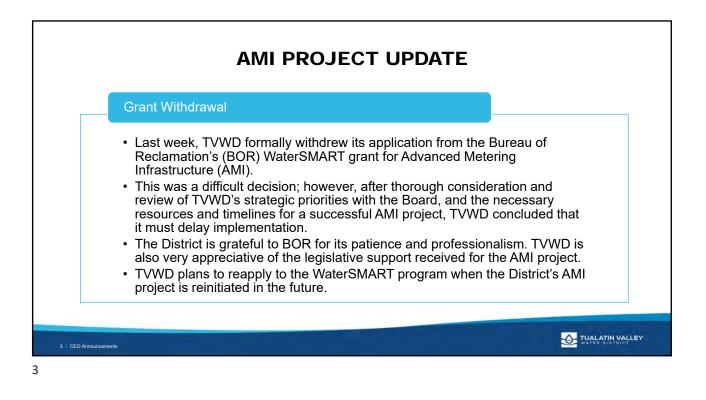
Commissioner Duggan agreed to take Commissioner Doane's place as Secretary, with Commissioner Doane as alternate. The Board requested no further changes.

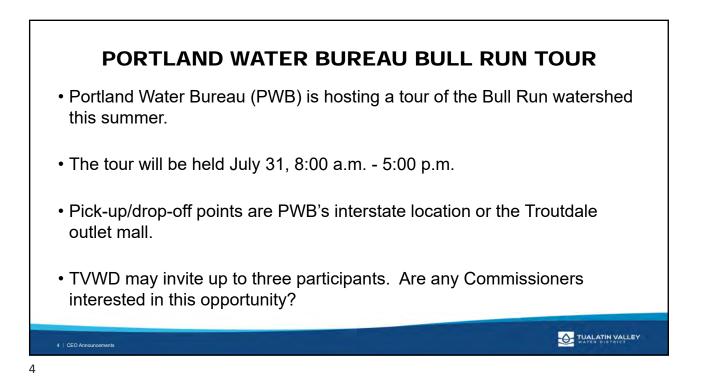
There being no further business, Commissioner Sanders adjourned the meeting at 7:10 PM

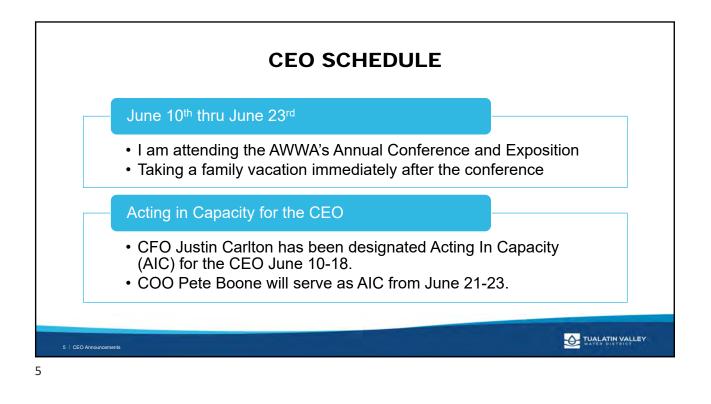
Todd Sanders, President Jim Doane, Secretary 1850 SW 170th Ave | Beaverton, Oregon 97003 | 503-848-3000 | tvwd.org

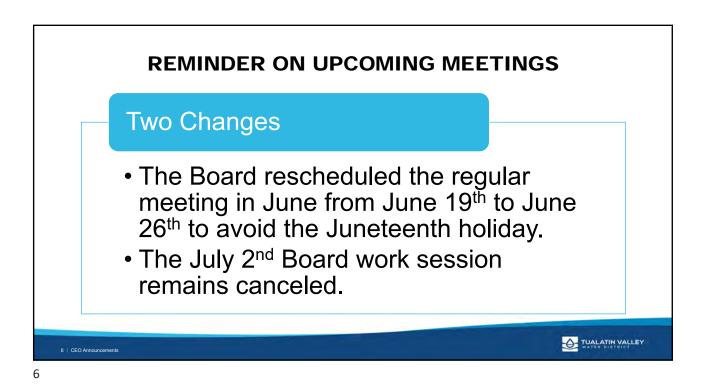


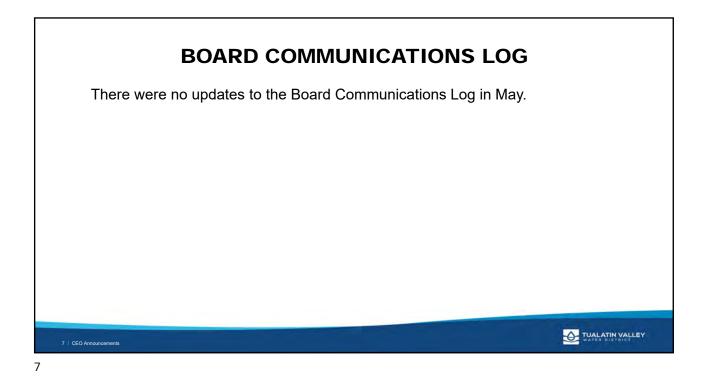




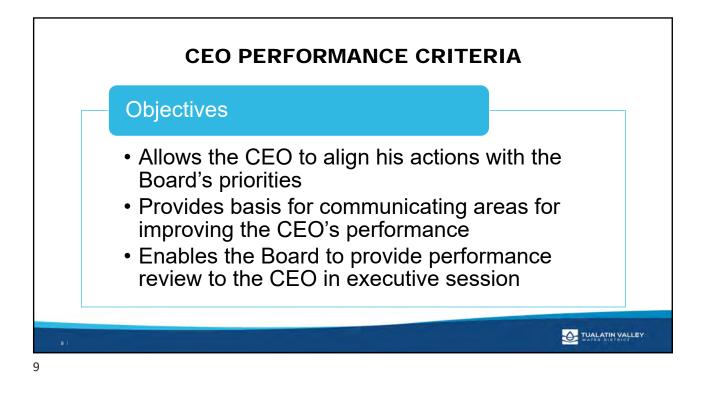


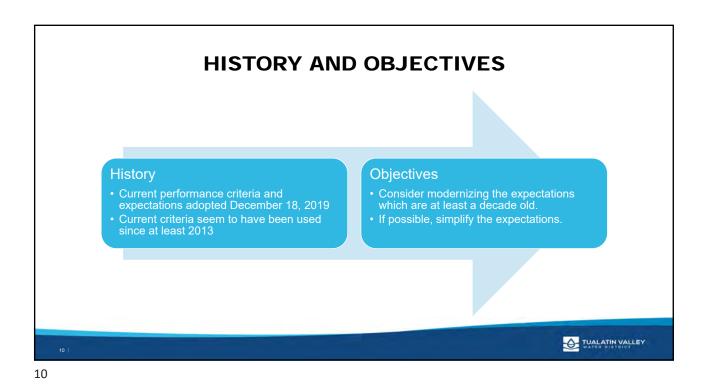


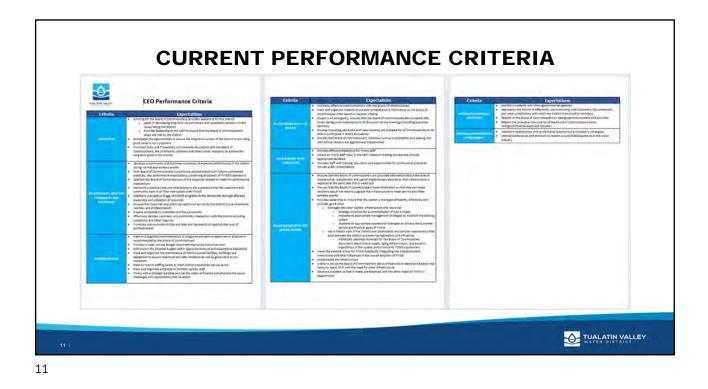


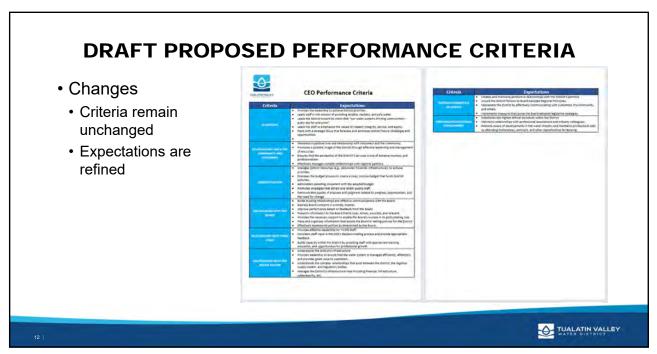


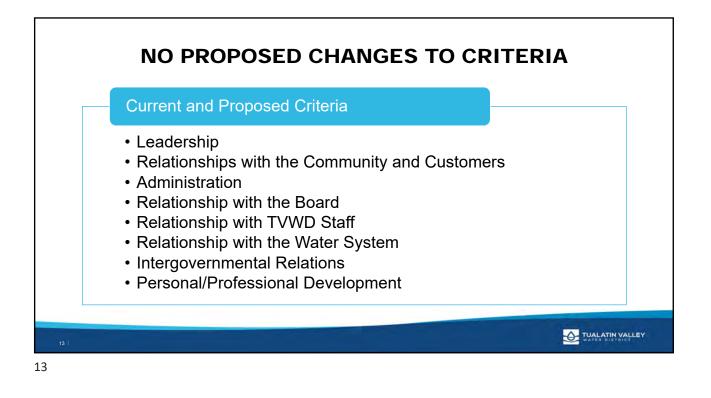


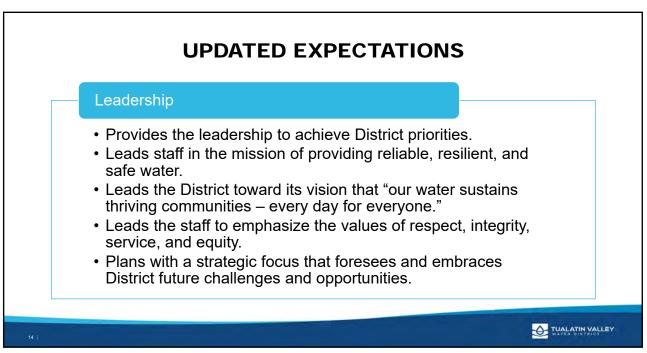


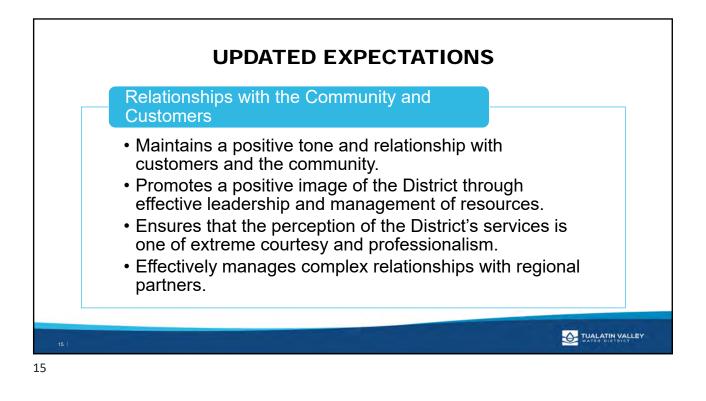


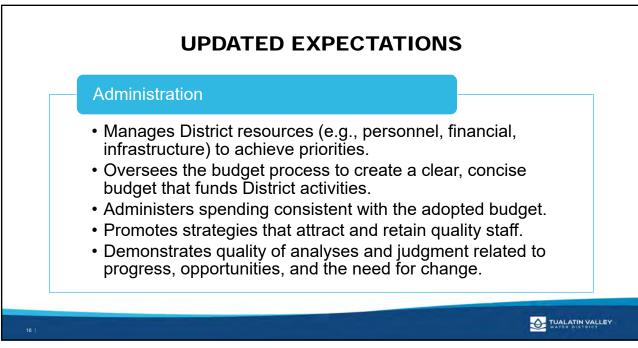


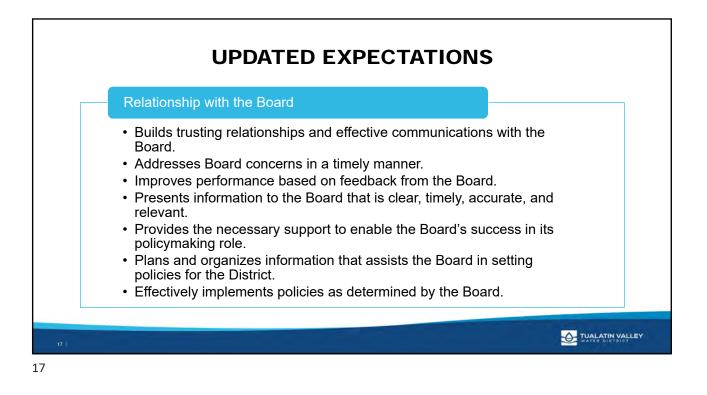


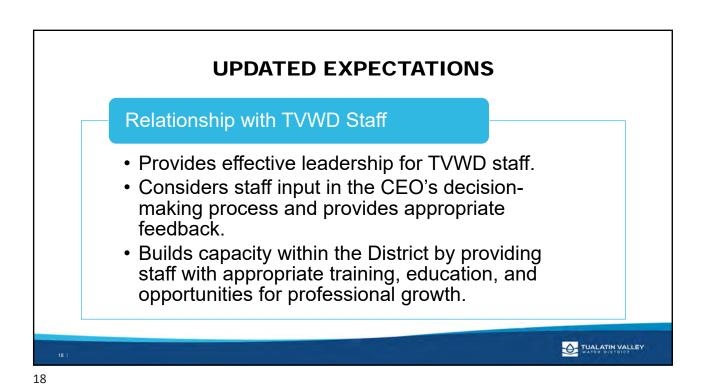


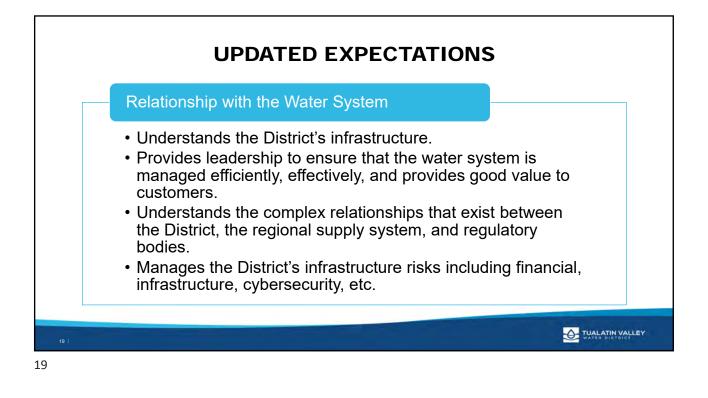


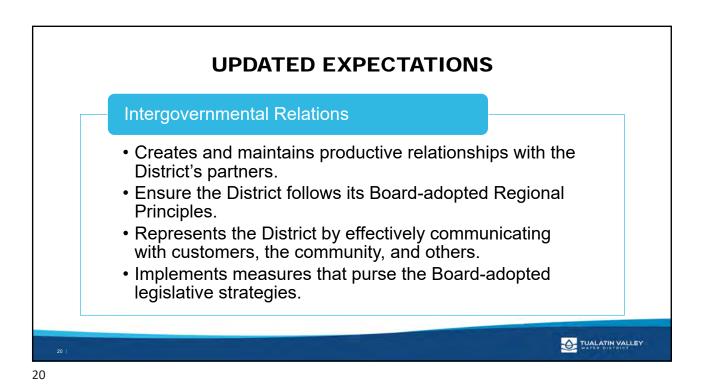


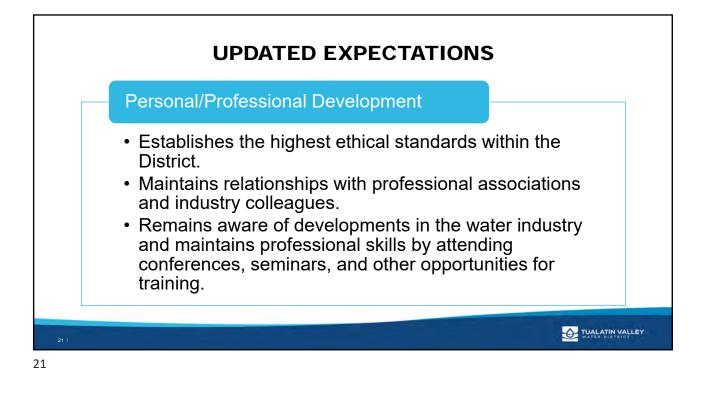


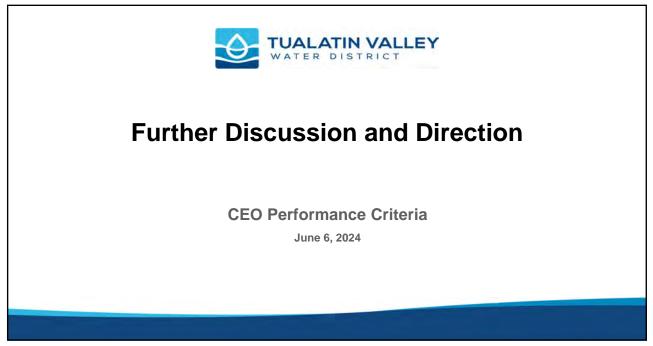


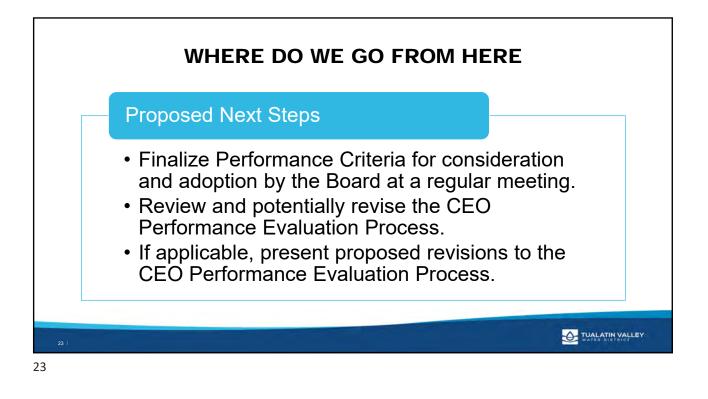




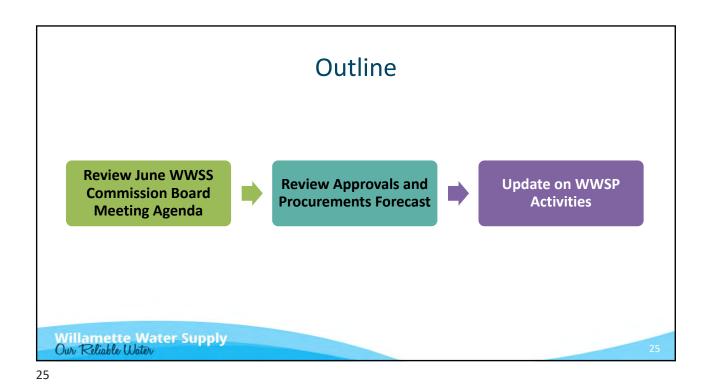




















Approvals and Procurements Forecast for April – August 2024 <b>Real Estate</b>						
Description	Program Director	WWSS Management Committee	WWSS Commission Board			
None						
Willamette Water Supply Owr Reliable Water				30		



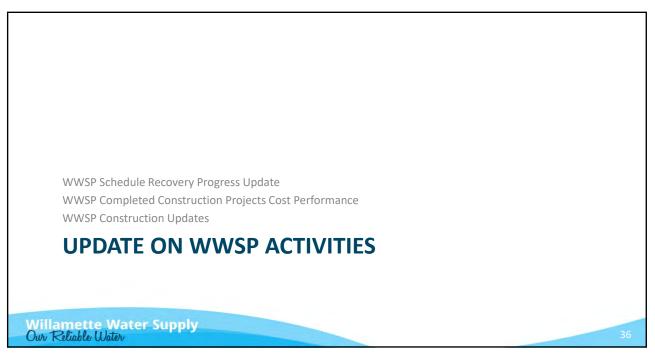


#### Approvals and Procurements Forecast for April – August 2024 Contract Amendments and Change Orders\*

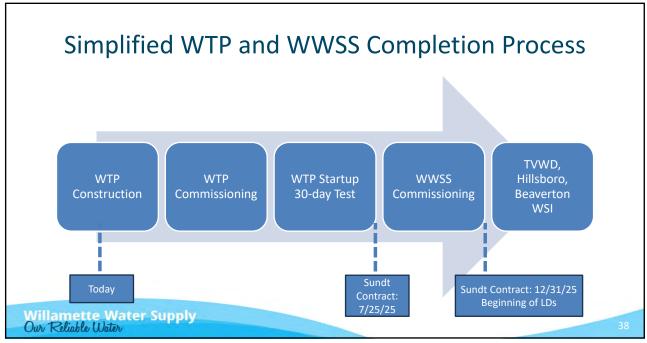
Title	Goal	Value	Key Dates
Permitting Services Contract Amendment for Next One-year Period	System-wide permitting services for the next year	\$819K	WWSS Board Approval: 4/4/2024
WWSP Program and Construction Management Services FY 2025 Annual Work Plan	Approve scope, staffing, and fee for program and construction management services for FY 2025	\$21.6M	WWSS Board Approval: 6/6/2024
Public Outreach Service Contract Amendment	Provide additional public outreach during the term April 2024 – April 2025	\$498K	WWSS Board Approval: 6/6/2024
WTP_1.0 Design Services Contract Amendment	Amend contract for additional required engineering services during construction	\$2.6M	WWSS Board Approval: 6/6/2024

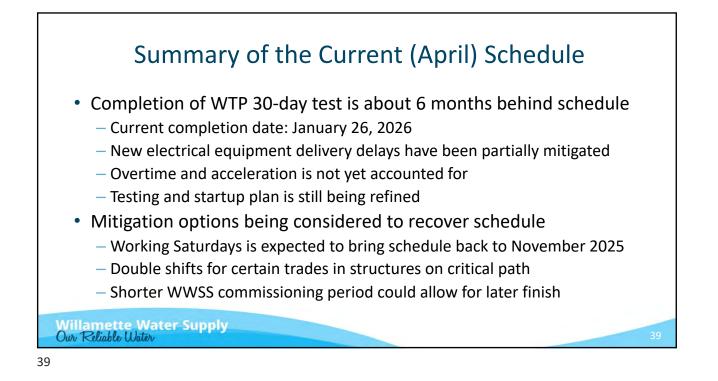


Approvals and Procurements Forecast for April – August 2024 <b>Other</b>				
Description	Program Director	WWSS Management Committee	WWSS Commission Board	
Board Action Related to WWSP Performance Audit		3/21/2024	4/4/2024	
Congressional Directed Spending Grant Technical Correction		3/21/2024	4/4/2024	
Villamette Water Supply			3	



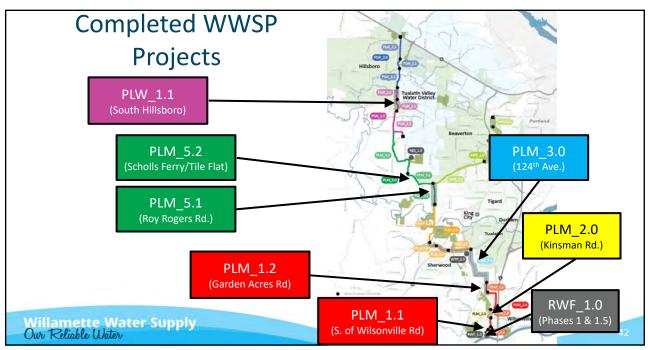


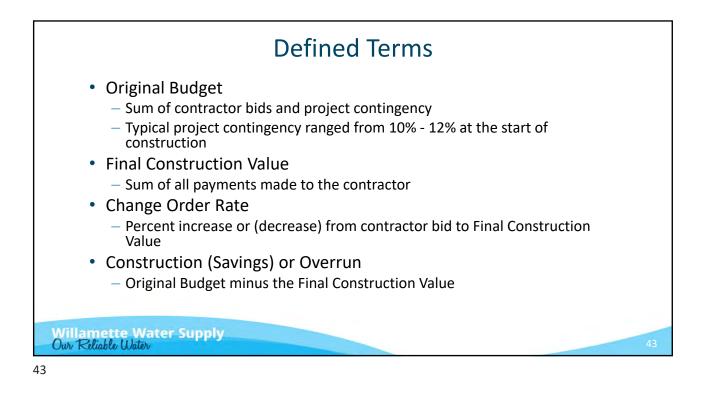




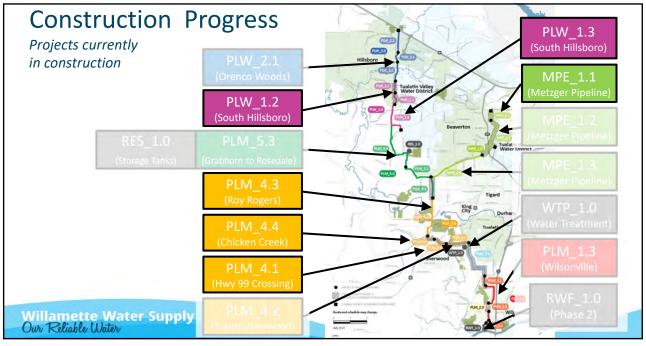








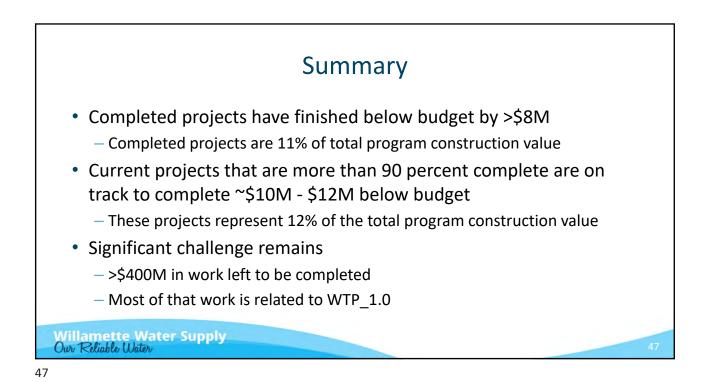
Project	Original Budget	Final Construction Value	Construction (savings) or overrun	Change Order Rate
RWF_1.0 Phase 1	\$52,164,492	\$48,590,857	(\$3,573,635)	-0.9%
RWF_1.0 Phase 1.5	\$2,899,308	\$2,808,929	(\$90,379)	0.0%
PLM_1.1	\$2,884,393	\$3,019,341	\$134,948	15.6%
PLM_1.2	\$8,174,241*	\$7,417,150	(\$757,092)	-7.2%
PLM_2.0	\$4,684,734*	\$4,028,428	(\$656,306)	-1.0%
PLM_3.0	\$11,635,665*	\$11,339,647	(\$296,019)	-0.3%
PLM_5.1	\$18,410,708*	\$17,146,641	(\$1,264,067)	-3.4%
PLM_5.2	\$16,553,987	\$14,813,367	(\$1,740,620)	-0.8%
PLW_1.1	\$6,518,484	\$6,109,651	(\$408,833)	4.2%
			(\$8,652,003)	
		*Partner project, exclude	s administrative and IGA co	sts
ette Water Sup ble Water	ply			



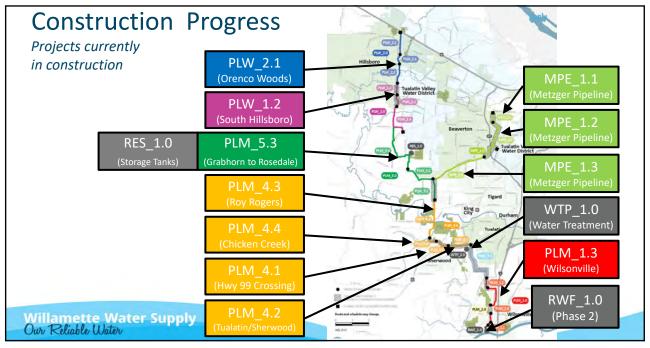
Projects Near Completion – Construction Phase Financial
Performance

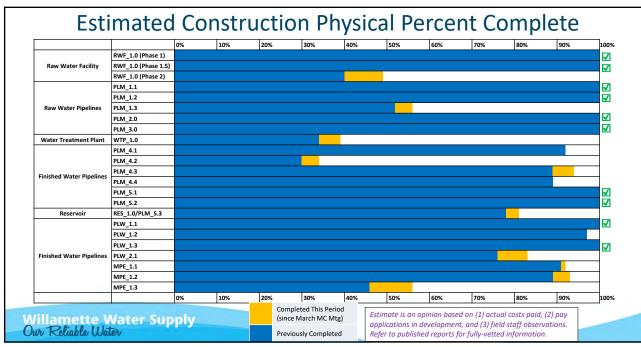
Project	Original Budget	Construction Percent Complete	Current Change Order Rate	Construction (savings) or overrun
PLM_4.1	\$14,684,446*	93%	1%	TBD
PLM_4.3	\$52,352,716	91%	0%	TBD
PLM_4.4	\$10,179,985*	90%	1%	TBD
PLW_1.2	\$12,281,464*	97%	0%	TBD
PLW_1.3	\$31,888,054	99%	0%	TBD
MPE_1.1	\$13,119,544*	97%	4%	TBD

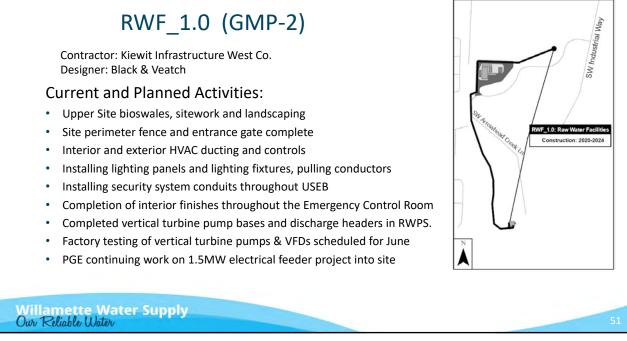
\*Partner project, excludes administrative and IGA costs



Willamette Water Supply











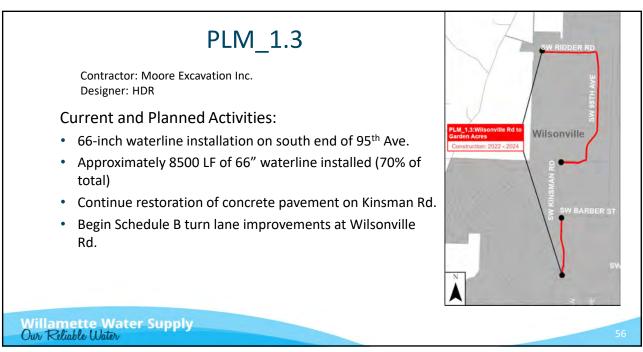


### Construction Photos – RWF\_1.0 (GMP-2)

Installing ceilingmounted and wallmounted conduits, lighting, etc. throughout the Upper Site Electrical Building









### Construction Photos - PLM\_1.3

Delivery of remaining 1000 LF of 66-inch waterline for installation at south end of 95<sup>th</sup> Ave.

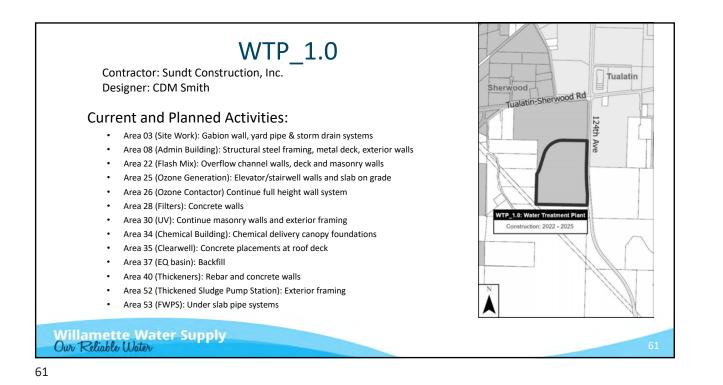




### Construction Photos - PLM\_1.3

Concrete placement for pavement restoration on Kinsman Rd.

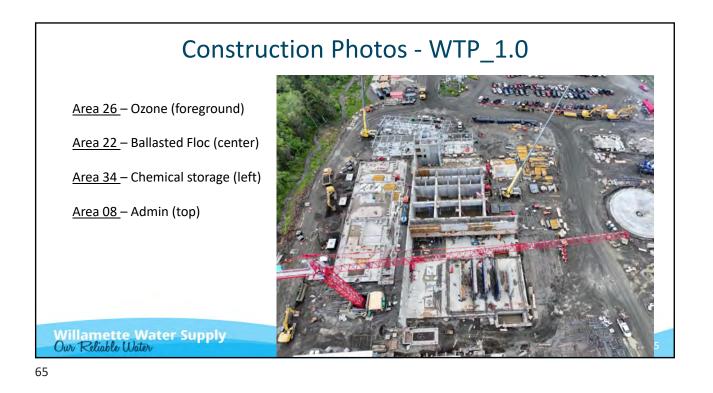










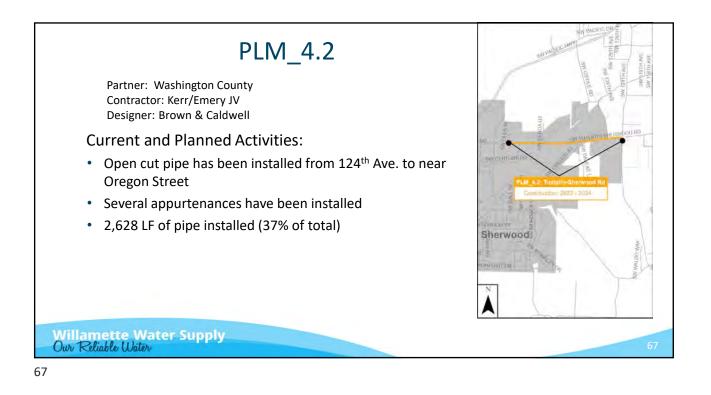


### Construction Photos - WTP\_1.0

<u>Area 40</u> – Thickeners (left)

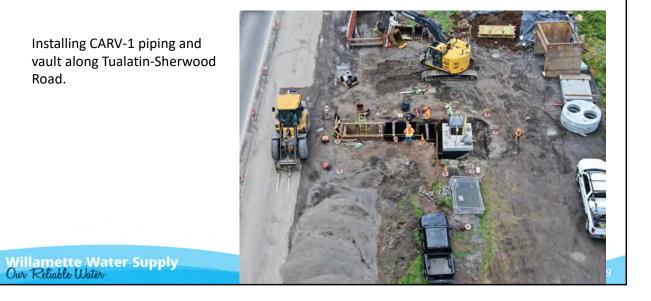
<u>Area 52</u> – Thickened Sludge PS (center)

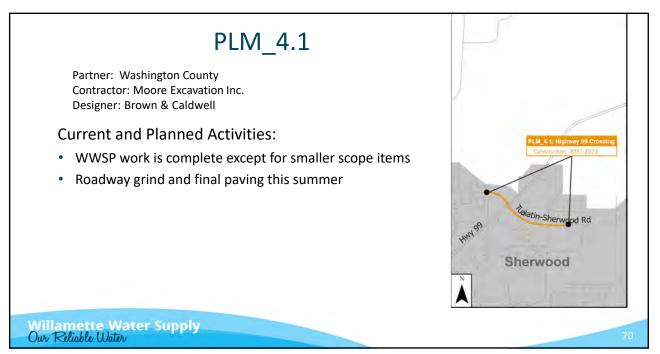




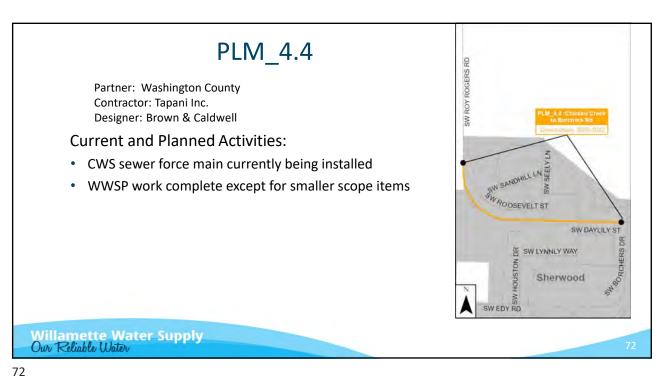


### Construction Photos – PLM\_4.2

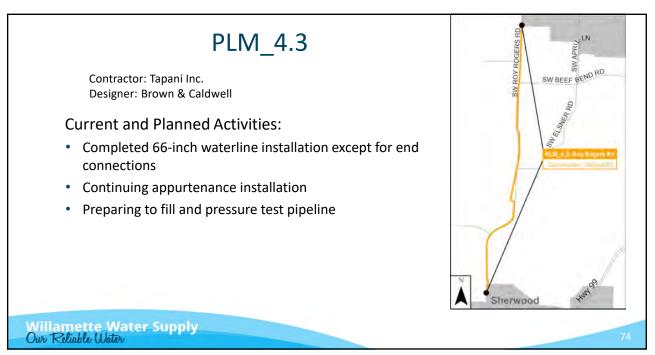












### Construction Photos – PLM\_4.3

CARV piping installation with Flex-Tend seismic/expansion joint fitting



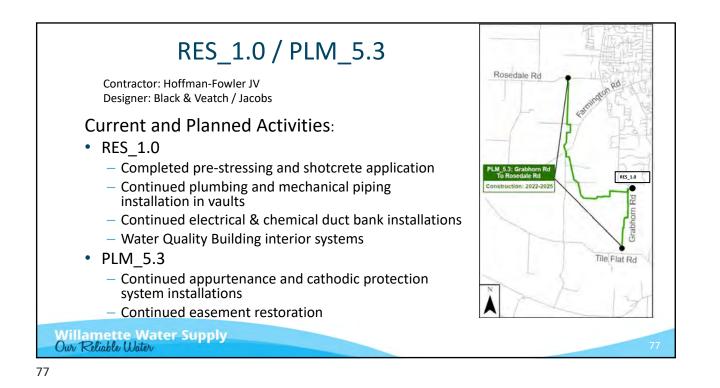
Willamette Water Supply Our Reliable Water

75

#### Construction Photos – PLM\_4.3

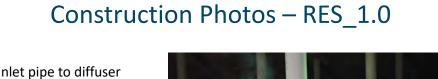
Demolished secant pile shaft wall and installation of test head for pressure testing

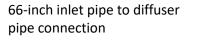






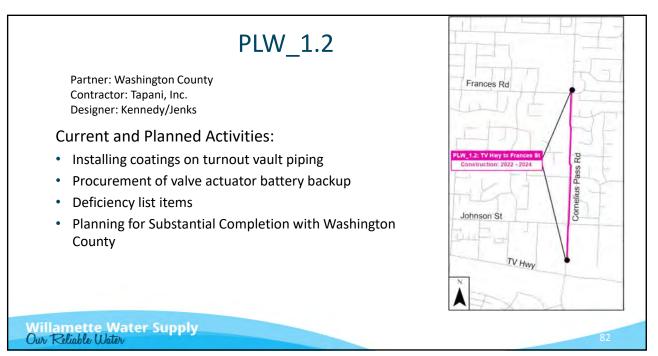


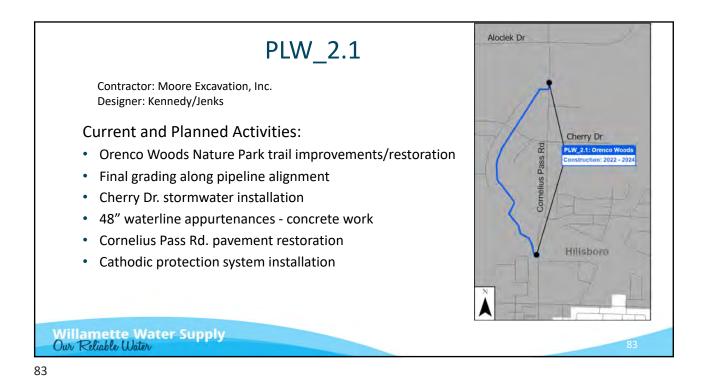






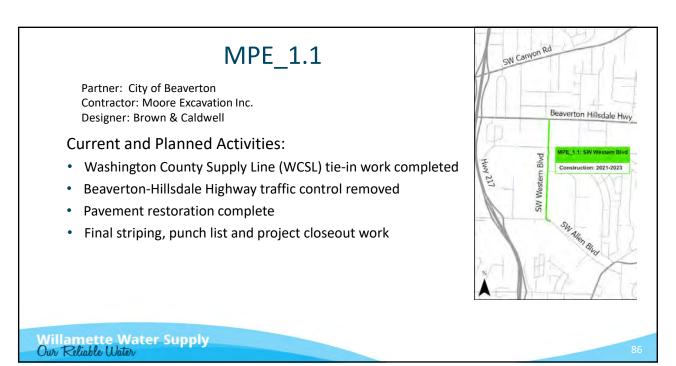










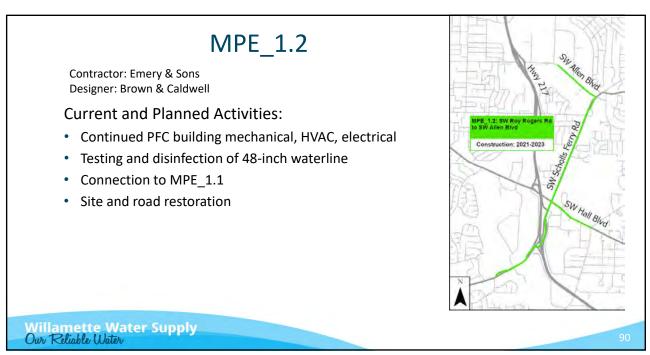


### Construction Photos – MPE\_1.1



<text><text>





## Construction Photos – MPE\_1.2



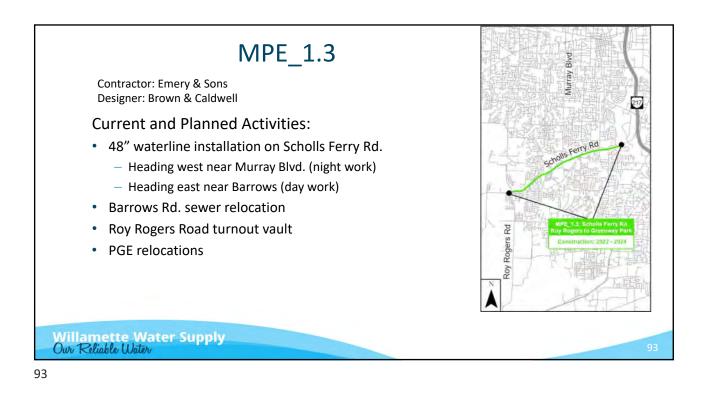
91

# Construction Photos – MPE\_1.2

PFC facility – parking lot paved



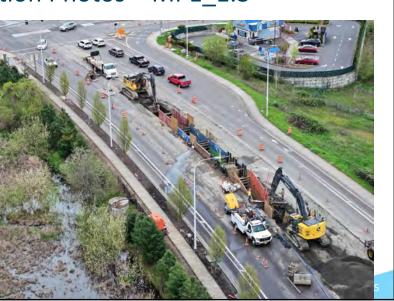






## Construction Photos – MPE\_1.3

48-inch waterline installation on Scholls Ferry Rd. near Barrows Rd.



Willamette Water Supply Our Reliable Water

95



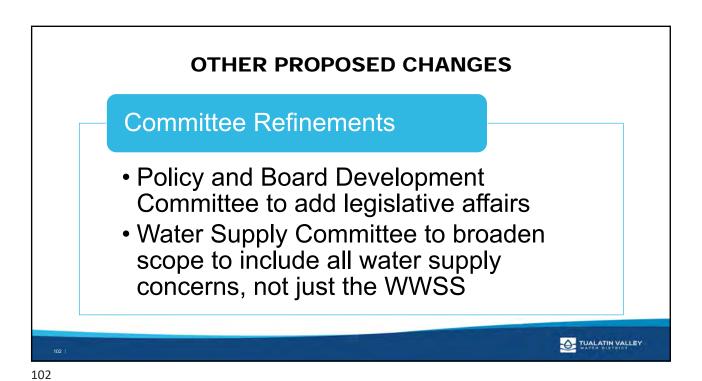


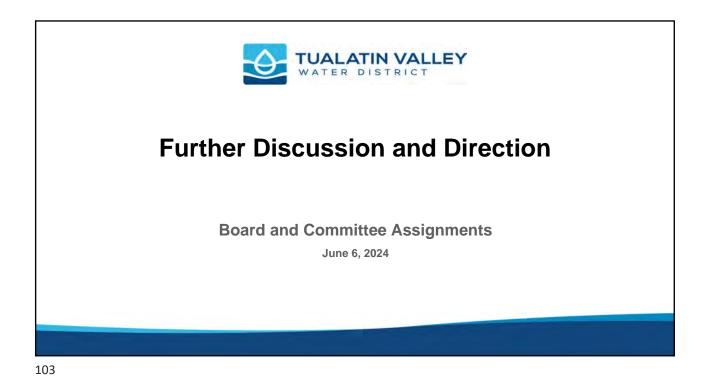
<section-header><section-header><section-header><section-header><list-item><list-item><list-item><list-item>

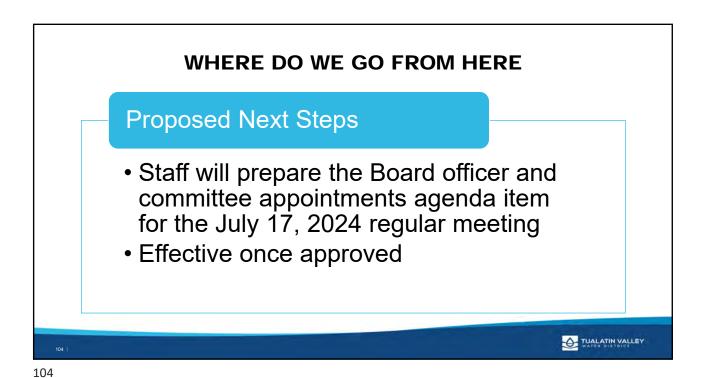


CURRENT BO					
			Commissioner	<u></u>	
Board Officers	Doane	Duggan	Fisher	Lisac	Sanders
President (consecutive three-year term limit)				-	Third Term*
Vice President			First Term*		
Treasurer				First Term*	
Secretary	Third Term*				
Acting Secretary			1.1	Second Term*	
Internal Committees					
Budget Committee	Member	Member	Member	Member	Member
Policy and Board Development Committee		Member			Member
Water Supply Committee	Member				Member
Strategic Planning Committee	Member				Member
Finance Committee and Audit Committee		Member		Member	
External Committees					
Willamette River Water Coalition Board	Alternate				Primary
Willamette Intake Facilities Commission Board	Primary				Alternate
Willamette Water Supply System Commission Board	Alternate	Primary			
Joint Water Commission	Alternate			Backup	Vice Chair**
Barney Reservoir Joint Ownership Commission	Alternate			Backup	Vice Chair
Regional Water Providers Consortium Board/Executive Committee		Primary			Alternate
Aloha Business Association	Primary				
Washington County Public Affairs Forum (event attendance)		Alternate			Primary
Westside Economic Alliance (event attendance)	Alternate		Primary		

			Commissioner		
Board Officers	Doane	Duggan	Fisher	Lisac	Sanders
President (consecutive three-year term limit)			First Term*		
Vice President					First Term*
Treasurer				Second Term*	
Secretary	Fourth Term*				
Acting Secretary				Third Term*	
Internal Committees					
Budget Committee	Member	Member	Member	Member	Member
Policy and Board Development Committee			Member		Member
Water Supply Committee	Member				Member
Strategic Planning Committee	Member				Member
Finance Committee and Audit Committee		Member		Member	1
External Committees					
Willamette River Water Coalition Board	Alternate		1	1	Primary
Willamette Intake Facilities Commission Board	Primary				Alternate
Willamette Water Supply System Commission Board	Alternate	Primary			
Joint Water Commission	Member			Member	Vice Chair**
Barney Reservoir Joint Ownership Commission	Alternate			Backup	Vice Chair
Regional Water Providers Consortium Board/Executive Committee		Primary	-		Alternate
Aloha Business Association	Primary				
Washington County Public Affairs Forum (event attendance)		Alternate	1		Primary
Westside Economic Alliance (event attendance)	Alternate		Primary		







52



Date:	June 26, 2024
То:	Board of Commissioners
From:	Paul L. Matthews, Chief Executive Officer
Subject:	Chief Executive Officer (CEO) Performance Criteria

#### **Requested Board Action:**

Adopt Resolution 13-24, a resolution adopting the performance standards and criteria to be used to evaluate the Chief Executive Officer for the Tualatin Valley Water District.

#### Key Concepts:

- To allow the Board to conduct the performance evaluation of the CEO in executive sessions, the Board must adopt the standards and criteria used for the evaluation in a public meeting where the public is provided an opportunity to comment.
- The Board has historically adopted "CEO Performance Criteria" during a public meeting to act as the standards and criteria for the CEO's evaluation.
- Adopting the CEO Performance Criteria as part of a regular meeting agenda provides the public an opportunity to provide comments for the Board's consideration.
- The Board discussed draft CEO Performance Criteria at its June 6, 2024 work session. The proposed resolution adopts those performance criteria presented to the Board.

#### Background:

As a good business practice, the Board should periodically review the performance criteria used to evaluate the District's CEO. The Board adopted the current CEO Performance Criteria at its December 18, 2019, regular board meeting. The CEO Performance Criteria adopted at that meeting were essentially unchanged from the criteria used by the Board since 2013.

In working with the District's consultant, Judy Clarke of Team HR, LLC, staff recommends the Board adopt revised CEO Performance Criteria that:

- 1. <u>Simplify the CEO Performance Criteria</u>. A simpler, more focused list of criteria is expected to increase the effectiveness of the Board's evaluation of the CEO. Although having a longer list of criteria may seem to provide greater flexibility to the evaluation process, in practice, a longer list can dilute the weight of an individual criterion, thereby reducing the overall effectiveness of the evaluation.
- 2. <u>Modernize the CEO Performance Criteria</u>. The current criteria are now more than a decade old. Both the District and the water industry have experienced significant changes over the past 10 years. Modernized CEO Performance Criteria will focus on more contemporary concerns facing the District.

The proposed resolution includes an Exhibit A, containing the CEO Performance Criteria presented to the Board by Judy Clarke at the Board's June 4, 2024, work session. Adopting the proposed resolution will enable the Board to use those criteria to conduct the CEO's performance review in executive sessions. This practice is consistent with the requirements of ORS 192.660 that provides that the governing body of a public body may

hold an executive session "to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing."

#### **Budget Impact:**

There is no budget impact from this resolution. The cost of revising and approving the CEO Performance Criteria is within the District's Adopted 2023-25 Biennial Budget.

#### **Staff Contact Information:**

Paul L. Matthews; Chief Executive Officer; (503) 848-3017; paul.matthews@tvwd.org

#### Attachments:

Proposed Resolution 13-24

#### Leadership Team Initials:

Chief Executive Officer	Por	Customer Service Director	AC
Chief Operating Officer	PDB	IT Services Director	TB
Chief Financial Officer	K	Human Resources Director	AB
General Counsel	CH	Water Supply Program Director	æ
Communications Director	20		





## **RESOLUTION NO. 13-24**

A RESOLUTION ADOPTING THE PERFORMANCE STANDARDS AND CRITERIA TO BE USED TO EVALUATE THE CHIEF EXECUTIVE OFFICER FOR THE TUALATIN VALLEY WATER DISTRICT.

WHEREAS, the Board of Commissioners has primary responsibility to evaluate the performance of the Chief Executive Officer (CEO) of the Tualatin Valley Water District; and

WHEREAS, adopting performance criteria for the CEO allows the Board to conduct the CEO's performance review in Executive Session; and

WHEREAS, based on the review by the District's consultant, the current CEO performance criteria would be improved by being simpler and more modern; and

WHEREAS, the Board discussed draft performance criteria at its June 4, 2024 Board Work Session and the Board being advised.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TUALATIN VALLEY WATER DISTRICT THAT:

Section 1: The Board hereby adopts the CEO Performance Criteria attached as Exhibit A and incorporated by reference.

Section 2: The Chief Executive Officer is directed to incorporate the CEO Performance Criteria in support of the Board's efforts to conduct the CEO performance evaluation.

Approved and adopted at a regular meeting held on the 26<sup>th</sup> day of June 2024.

Todd Sanders, President

Jim Doane, Secretary



# **CEO Performance Criteria**

Criteria	Expectations
LEADERSHIP	<ul> <li>Provides the leadership to achieve District priorities.</li> <li>Leads staff in the mission of providing reliable, resilient, and safe water.</li> <li>Leads the District toward its vision that "our water sustains thriving communities – every day for everyone".</li> <li>Leads the staff to emphasize the values of respect, integrity, service, and equity.</li> <li>Plans with a strategic focus that foresees and embraces District future challenges and opportunities.</li> </ul>
RELATIONSHIPS WITH THE COMMUNITY AND CUSTOMERS	<ul> <li>Maintains a positive tone and relationship with customers and the community.</li> <li>Promotes a positive image of the District through effective leadership and management of resources.</li> <li>Ensures that the perception of the District's services is one of extreme courtesy and professionalism.</li> <li>Effectively manages complex relationships with regional partners.</li> </ul>
ADMINISTRATION	<ul> <li>Manages District resources (e.g., personnel, financial, infrastructure), to achieve priorities.</li> <li>Oversees the budget process to create a clear, concise budget that funds District activities.</li> <li>Administers spending consistent with the adopted budget.</li> <li>Promotes strategies that attract and retain quality staff.</li> <li>Demonstrates quality of analyses and judgment related to progress, opportunities, and the need for change.</li> </ul>
RELATIONSHIP WITH THE BOARD	<ul> <li>Builds trusting relationships and effective communications with the Board.</li> <li>Address Board concerns in a timely manner.</li> <li>Improve performance based on feedback from the Board.</li> <li>Presents information to the Board that is clear, timely, accurate, and relevant.</li> <li>Provides the necessary support to enable the Board's success in its policymaking role.</li> <li>Plans and organizes information that assists the Board in setting policies for the District.</li> <li>Effectively implements policies as determined by the Board.</li> </ul>
RELATIONSHIP WITH TVWD STAFF	<ul> <li>Provides effective leadership for TVWD staff.</li> <li>Considers staff input in the CEO's decision-making process and provide appropriate feedback.</li> <li>Builds capacity within the District by providing staff with appropriate training, education, and opportunities for professional growth.</li> </ul>
RELATIONSHIP WITH THE WATER SYSTEM	<ul> <li>Understands the District's infrastructure.</li> <li>Provides leadership to ensure that the water system is managed efficiently, effectively and provides good value to customers.</li> <li>Understands the complex relationships that exist between the District, the regional supply system, and regulatory bodies.</li> <li>Manages the District's infrastructure risks including financial, infrastructure, cybersecurity, etc.</li> </ul>

Criteria	Expectations					
INTERGOVERNMENTAL RELATIONS	<ul> <li>Creates and maintains productive relationships with the District's partners.</li> <li>Ensure the District follows its Board-adopted Regional Principles.</li> <li>Represents the District by effectively communicating with customers, the community, and others.</li> </ul>					
	<ul> <li>Implements measures that pursue the Board-adopted legislative strategies.</li> </ul>					
	Establishes the highest ethical standards within the District.					
PERSONAL/PROFESSIONAL	Maintains relationships with professional associations and industry colleagues.					
DEVELOPMENT	Remains aware of developments in the water industry and maintains professional skills					
	by attending conferences, seminars, and other opportunities for training.					



## This page intentionally left blank



Date: June 26, 2024

- To: Board of Commissioners
- From: Pete Boone, Chief Operating Officer
- Subject: Intergovernmental Agreement with the City of North Plains to Provide Water System Operational Support Services and Direct Responsible Charge (DRC) Services

#### **Requested Board Action:**

Adopt Resolution 14-24 authorizing and directing the Chief Executive Officer to execute an intergovernmental agreement (IGA) with the City of North Plains (City) to provide water system operational support services and Direct Responsible Charge (DRC) services.

#### **Key Concepts:**

- The City and the District both operate water systems following federal and state water quality and public health statutes, and rules and regulations. Oregon Administrative Rules require public water systems to appoint a qualified DRC, which means an individual designated by the owner or authorized agent to make decisions that will directly impact the quality or quantity of drinking water.
- At the City's request, TVWD has provided the City DRC and operational support services on a timeand-materials basis since December of 2022.
- The agreement for these services was originally developed as a Memorandum of Understanding (MOU) but during legal review, the attorney for the City requested that an IGA be used instead.
- The specific services provided by TVWD to the City are defined in an exhibit, which can be modified or updated upon mutual agreement.

#### Background:

The City's long-serving public works director retired in 2022 and the City found it difficult to hire a replacement with the required experience and certifications to serve as the DRC for its water distribution system. The City requested TVWD provide these services on a contract basis. TVWD has been filling the DRC role while providing other operational support to the City since December of 2022.

Staff worked with the City to formalize the arrangement in a MOU. During its legal review, the City determined that an IGA would better serve the City's needs. Staff has worked with the City to develop the proposed IGA to meet the needs of both parties.

Key elements of the IGA include:

- 1. TVWD will provide DRC services to the City. Once the City is prepared to name its own DRC, the City may request that TVWD stop providing DRC services.
- 2. TVWD may provide other water-related services requested by the City.
- The City will compensate TVWD at its fully burdened costs including a normal allocation of the District's indirect costs using the District's Indirect Cost Allocation Plan (ICAP). The compensation provided to TVWD by the IGA covers TVWD's costs.
- 4. The IGA provides for annual adjustments to the compensation rates to ensure TVWD's costs are fully reimbursed in the future.

- 5. The City and TVWD may adjust the services provided by mutual consent.
- 6. The IGA includes provisions related to indemnity that are standard for IGAs of this nature.
- 7. The IGA and its terms are consistent with the Regional Principles that the Board recently adopted.

Staff recommends the Board adopt Resolution 14-24 and direct the District's Chief Executive Officer to execute the IGA.

#### **Budget Impact:**

There is no expected impact on the Adopted 2023-25 Biennial Budget. If there is an impact on the budget, the services are fully compensated, so the District is fully reimbursed for all expenditures. The revenue from those services could be recognized to fund the additional costs should a supplemental budget be required.

#### **Staff Contact Information:**

Peter Boone, Chief Operating Officer, (503) 848-3054, peter.boone@tvwd.org

#### Attachments:

Proposed Resolution 14-24

TVWD Rate Schedule for Staff and Equipment

#### Leadership Team Initials:

Chief Executive Officer	Por	Customer Service Director	AC
Chief Operating Officer	PDB	IT Services Director	TB
Chief Financial Officer	9¢C	Human Resources Director	AB
General Counsel	CH	Water Supply Program Director	æ
Communications Director	20		





### **RESOLUTION NO. 14-24**

# A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN TUALATIN VALLEY WATER DISTRICT AND THE CITY OF NORTH PLAINS FOR WATER SYSTEM OPERATIONAL SUPPORT SERVICES.

WHEREAS, the City of North Plains (City) and Tualatin Valley Water District (District) serve their respective customers with water systems that consist of water supply, transmission water lines, reservoirs, and other water system facilities; and

WHEREAS, North Plains has requested operational support from the District to assist the City in operating and maintaining the City's water system, as well as a certified water operator to serve as the City's Direct Responsible Charge (DRC).

WHEREAS, the District agrees to provide water system operational support services as set forth in the Intergovernmental Agreement Between Tualatin Valley Water District and The City of North Plains For Water System Operational Support Services, attached hereto as Exhibit 1 and incorporated by reference (Agreement); and

WHEREAS, pursuant to Oregon Revised Statutes 190.003 to 190.130, the District and North Plains desire to enter into the Agreement and being advised.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TUALATIN VALLEY WATER DISTRICT THAT:

Section 1: The Intergovernmental Agreement Between Tualatin Valley Water District and The City of North Plains For Water System Operational Support Services, attached hereto as Exhibit 1 and incorporated by reference, is hereby approved.

Section 2: The Chief Executive Officer is authorized to execute this contract following approval by North Plains.

Section 3: The Board authorizes the Chief Executive Officer to execute an amended version of the intergovernmental agreement so long as the final executed version is substantially the same as that set forth on Exhibit 1 and the General Counsel has approved.

Approved and adopted at a regular meeting held on the 26<sup>th</sup> day of June 2024.

Todd Sanders, President

Jim Doane, Secretary



#### EXHIBIT 1

#### INTERGOVERNMENTAL AGREEMENT

#### FOR

#### WATER SYSTEM OPERATIONAL SUPPORT SERVICES

This Intergovernmental Agreement ("IGA") is effective this 30<sup>th</sup> day of April, 2024 between Tualatin Valley Water District ("TVWD") and the City of North Plains ("North Plains" or "City") for provision of water system operational support services by TVWD related to the North Plains water distribution system (Services). Each party may be referred to herein as a "Party" and collectively as the "Parties."

#### RECITALS

The City of North Plains and Tualatin Valley Water District are local government entities that provide potable water services to their customers through operation, maintenance, repair, and replacement of water systems including treatment, pumping, storage, and distribution.

Each Party operates its respective system in accordance with federal and state water quality and public health statutes, and rules and regulations. Oregon Administrative Rules require public water systems to have an appointed, qualified Direct Responsible Charge.

North Plains wishes to have TVWD provide operational support services upon request to assist City staff with the operation and maintenance of the City's water distribution system. TVWD is willing to provide these services to North Plains according to the terms and conditions of this IGA.

By the authority granted in Oregon Revised Statute (ORS) 190.110, Oregon units of local government may enter into agreements with other units of local government for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform. Now, therefore, intending to be legally bound, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

#### AGREEMENT

- 1. Incorporation of Recitals. The Recitals are hereby incorporated into this IGA.
- 2. Services Provided by TVWD. TVWD will provide operational support services as agreed upon by North Plains and TVWD and as described in Exhibit A. The services to be performed as described in the Exhibit may be modified by the City Manager and Chief Executive Officer of the Parties.

TVWD shall perform the operational support services according to the professional standard of care for the potable water industry in accordance with statutes, rules, regulations, and prudent utility practices. Upon reasonable notice to TVWD, North Plains may discontinue any or all services listed on Exhibit A. TVWD's responsibilities for providing those services shall lapse upon notice provided by North Plains.

**3.** Services Provided by North Plains. North Plains shall deploy its public works employees in their usual and accustomed duties and responsibilities to perform water system operations for the benefit of North Plains customers to the professional standard of care in accordance with statutes, rules, regulations, and prudent utility practices.

- 4. Required Coordination. If services are requested by North Plains or required by the Direct Responsible Charge (DRC), the Parties shall reasonably coordinate on any actions affecting water quality (e.g., disinfectant residuals, sampling results), water pressure, hydraulic capacity, fire flow, incoming supply operations, main breaks, service outages (either planned or unplanned), proposed connections to the water system, and general system operation updates. While TVWD is providing DRC services, a daily check-in between the designees of both Parties is required unless the designees of both Parties determine a daily check-in is unnecessary or otherwise imprudent. The Parties also agree to conduct coordination meetings at least monthly, unless otherwise mutually agreed upon by both Parties. Point of contact for the City shall be the Public Works Director, their designee, or the person acting in capacity as the Public Works Director. Point of contact for TVWD shall be the Water Operations Manager.
- 5. Cost of Service. TVWD will provide operational support services to North Plains on a time and materials basis at the rates included in Exhibit B. Total annual charges shall not exceed \$25,000 unless authorized in writing by both parties. TVWD will provide notice of any changes in the labor rates on or about July 1, 2024, and on or about July 1 of each succeeding year.
- **6. Payment.** North Plains shall pay TVWD for services performed within thirty (30) days of receipt of invoice from TVWD.
- 7. Schedule. A mutually agreed schedule for performance of the services under this agreement shall be developed within seven days of the date of this IGA by the District's representative and the North Plains Public Works Director, or designee. Once developed, this schedule for performance shall become a key and functional component of this IGA. However, TVWD will take reasonable measures to make its staff available outside of the agreed schedule to perform tasks, as necessary.
- 8. Indemnity. To the extent permitted by the Oregon Constitution and subject to the limits of the Oregon Tort Claims Act (ORS 30.260-30.300), each Party agrees to indemnify and hold harmless the other Party, its governing body, employees and agents from any and all claims, demands, damages, actions, losses, expenses and costs, including attorney fees, arising out of, and to the extent caused by, the indemnifying Party's acts or omissions in the performance of this IGA.
- 9. Term. This IGA shall effective immediately upon signing by both parties. This IGA will renew for the succeeding fiscal year commencing July 1, 2024, and on July 1 of each succeeding fiscal year unless either party gives notice of non-renewal by May 1<sup>st</sup> of any year.
- **10. Termination.** Notwithstanding any provision of this IGA, either Party may terminate this IGA on thirty (30) days written notice to the other Party. Any undisputed amounts due and payable for work performed to the date of termination shall be paid within thirty (30) days.
- **11. Notices and Contacts.** Any notice required or permitted to be given under this IGA shall be given in writing and effective when received by hand delivery, electronic means or by first class United States Mail, postage prepaid, addressed to the persons below who are designated as the Parties representatives:
  - If to TVWD: Peter Boone, Chief Operating Officer 1850 SW 170<sup>th</sup> Beaverton, Or. 97003 <u>Peter.Boone@TVWD.org</u>

If to North Plains: Dustin Lueckenotte, Public Works Director 31360 NW Commercial St. North Plains, Or. 97133 dustin.lueckenotte@northplains.gov

> Javier Espinoza, Water Distribution Lead 31360 NW Commercial St. North Plains, Or. 97133 javier.espinoza@northplains.gov

- 12. Entire Agreement. This IGA embodies the entire agreement and understanding of the Parties and supersedes all previous agreements and understandings related to the services to be performed, except as specifically provided herein.
- 13. Counterparts. This IGA may be executed in counterparts or by electronic signatures which shall constitute a binding agreement between the Parties.

TUALATIN VALLEY WATER DISTRICT BY:\_\_\_\_\_ TITLE: Paul L. Matthews, Chief Executive Officer

DATE:\_\_\_\_\_

**CITY OF NORTH PLAINS** 

BY:\_\_\_\_\_

TITLE: Andy Varner, City Manager

DATE:\_\_\_\_\_

#### **Exhibit A – Services Requested**

- 1. Direct Responsible Charge (DRC) Services. TVWD agrees to provide North Plains with Direct Responsible Charge Services. "Direct Responsible Charge" or "DRC" means an individual designated by the owner or authorized agent to make decisions regarding the daily operational activities of a public water system, water treatment facility or distribution system, that will directly impact the quality or quantity of drinking water. North Plains hereby delegates this authority to Ryan Smith, Oregon Certification No. D-268713, (DRC) under OAR 333-061-0020(40) to engage with and/or direct North Plains Staff regarding daily operational decisions of the North Plains' water system regarding quality or quantity of drinking water.
- 2. Water System Operational Support Services. TVWD will provide operational support services as agreed upon by North Plains and TVWD. Examples of these services may include repairs, emergency response, water system maintenance, upgrades, operational strategy development and implementation, long-term planning, development review support, regulatory compliance assistance, technical assistance, and other services to support the successful operation of the North Plains water system.



### Rate Schedule for Staff and Equipment – August 1, 2023 to July 30, 2024

#### Table 1: Staff Billing Rates

Position	Hourly Rate
Grade 3 (Customer Service Representative, Administrative Assistant)	\$88.59
Grade 4 (Meter Reader)	\$89.95
Grade 5 (Engineering Technician I)	\$110.50
Grade 5 (Facilities Maintenance II)	\$110.50
Grade 5 (GIS Technician)	\$110.50
Grade 5 (Water Quality Specialist)	\$110.50
Grade 6 (Water Works Operator)	\$115.65
Grade 7 (Construction Insp. I)	\$147.78
Grade 7 (Fleet Mechanic)	\$147.78
Grade 7 (Senior Water Quality Specialist)	\$147.78
Grade 8 (Water Works Lead, Construction Insp. II)	\$156.73
Grade 8 (Engineering Associate)	\$156.73
Grade 8 (SCADA Technician)	\$156.73
Grade 9 (Water Works Supervisor)	\$179.08
Grade 9 (Senior Engineer)	\$179.08
Grade 10 (Water Operations Manager)	\$203.00
Grade 11	\$229.74
Grade 12	\$256.30
Grade 13 (COO, CFO)	\$304.49





### Rate Schedule for Staff and Equipment - August 1, 2023 to July 30, 2024

#### Table 2: Equipment

Class	Hourly Rate	Class	Hourly Rate
Excavator Large	\$96.16	Hydro Excavator Truck	\$95.06
Excavator Small	\$48.97	Light Duty Trailer	\$2.87
Truck Enclosed w/ lift gate	\$38.94	Light Tower	\$9.65
Concrete Saw	\$42.16	Medium Dump Truck	\$55.98
Compact Pickup Truck	\$16.68	Light vehicle	\$21.87
Pickup Truck	\$31.81	Wheel Loader	\$67.54
Large Dump Truck	\$94.94	Mobile compressor	\$31.69
Emergency H2O Trailer	\$7.29	Mobile Generator 100 kW	\$56.70
Flat Bed Truck	\$35.58	Self-Propelled Pavement Broom	\$63.05
Forklift	\$21.31	Small Dump Truck	\$29.56
Full Size Pickup	\$25.80	Small Equip Self Propel	\$7.54
Heavy Duty Trailer	\$15.22	Pavement Breaker	\$61.22
Mobile Generator 150 kW	\$85.00	Service Truck	\$49.80

