



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

AGENDA OF
MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS
FOR THE WEEK OF
December 18 - 22, 1989

- Monday, December 18, 1989 - 7:00 PM - Gun Safety Ordinance
David Douglas Performing Arts Center
1400 SE 130th Page 2
- Tuesday, December 19, 1989 - 9:30 AM - Formal and
Planning Items . . . Page 3
- Tuesday, December 19, 1989 - 1:30 PM - Informal Meeting . . Page 4
- Thursday, December 21, 1989 - 9:30 AM - Gun Safety Ordinance
World Trade Center Auditorium
121 SW Salmon
Portland Page 5
- 1:30 PM - Formal Page 6

Monday, December 18, 1989 - 7:00 PM

David Douglas Performing Arts Center
1400 SE 130th

Continued First Reading - An Ordinance to regulate the possession of firearms in public places, to establish a safety training course for firearms users and to impose fees

Tuesday, December 19, 1989 - 9:30 AM

Multnomah County Courthouse, Room 602

1. Continued Public Hearing on the boundaries of the proposed Rockwood Water Peoples Utility District

* * * * *

C 1-88 PERIODIC REVIEW

2. Resolution In the Matter of Submitting to the State the County's Local Review Order under ORS 197.640 (C 1-88)
3. First Reading - An Ordinance amending Multnomah County Comprehensive Framework Plan to comply with the Periodic Review requirements of the Oregon Department of Land Conservation and Development
4. First Reading - An Ordinance amending Multnomah County Code Chapter 11.05 to comply with the Periodic Review requirements of the Oregon Department of Land Conservation and Development
5. First Reading - An Ordinance amending Multnomah County Code Chapter 11.15 and selected Sectional Zoning Maps to comply with the Periodic Review requirements of the Oregon Department of Land Conservation and Development
6. First Reading - An Ordinance amending Multnomah County Code Chapter 11.45 to comply with the Periodic Review requirements of the Oregon Department of Land Conservation and Development

Tuesday, December 19, 1989 - 1:30 PM

Multnomah County Courthouse, Room 602

INFORMAL

1. Informal Review of Formal Agenda of December 21
2. Briefing concerning the 1989 Legislative Report Summary -
Fred Neal

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS .

NOTE CHANGE OF LOCATION

9:30 AM

WORLD TRADE CENTER AUDITORIUM
121 SW SALMON
PORTLAND, OREGON

ORDINANCES - NONDEPARTMENTAL

- R-1 Continued First Reading - An Ordinance to regulate the possession of firearms in public places, to establish a safety training course for firearms users and to impose fees

* * * * *

Thursday, December 21, 1989, 1:30 PM

Multnomah County Courthouse, Room 602

Formal Agenda

CONSENT CALENDAR

DEPARTMENT OF JUSTICE SERVICES

- C-2 Liquor License Renewal applications submitted by Sheriff's Office with recommendation that same be approved as follows:
a) Package Store - Super Market Express, 16100 SE Stark;
Portland City Florist and Catering, 13607 SE Powell
b) Retail Malt Beverage - Velvet Keg, 12131 SE Holgate

REGULAR AGENDA

BOARD OF COUNTY COMMISSIONERS

- R-3 In the matter of the appointment of Luana Shipp and Laura Woodruff to the Community Health Council, term expiring June, 1992
- R-4 In the matter of the appointment of Thomas Mason and Marc Sussman to the Community Corrections Advisory Committee, terms expiring July, 1992

- R-5 In the matter of the appointment of Martha J. White to the Portland Multnomah Commission on Aging, term expiring June, 1990
- R-6 In the matter of the appointment and reappointments to the Integrated Pest Management Advisory Committee:
Appointment: Bruce A. Nelson, term expiring July, 1992.
Reappointments: Dr. David Dunnette, Marua Doherty, Albert J. Warren, Dr. David G. Adams, and David Reggiani, terms expiring July, 1992

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-7 Order in the Matter of Offering to Surrender Jurisdiction to the City of Portland all County Roads within the areas annexed to the City of Portland between January 1, 1989, and June 30, 1989
- R-8 Order in the matter of the Conveyance to the City of Portland Various One (1) Foot Strips (Street Plugs) and Road Fund Related Property adjacent to Former County Roads Previously Surrendered to the City of Portland Owned by the County, Item 88-164 (And Bargain and Sale Deed)
- R-9 Request approval of private sale of Tax Foreclosed property as provided by ORS 275.200 of LOMA ACRES, Exc S 62' & Exc N 70' of E 147' of Lot 7, located north of 747 SE 148th Ave.
- R-10 Notice of Intent to apply for a \$300,000 grant from the Oregon Department of Fish and Wildlife by the Parks Services Division, to be used for the construction of Chinook Landing Boating Facility on the Columbia River

DEPARTMENT OF GENERAL SERVICES

- R-11 Resolution in the matter of the approving of the issuance and negotiated sale of \$4,100,000 Series 1989B Taxable Certificates of Participation; approving and authorizing the Certificate Purchase Agreement, the Lease-Purchase and Escrow Agreement, and the Preliminary Official Statement and Official Statement; and designating an Authorized Officer
- R-12 Budget Modification DGS #8 making an appropriation transfer in the amount of \$19,643 from General Fund Contingency to Assessment & Taxation (Tax Collection/Information Section), establishing one position of Finance Specialist 1, with funding being offset by revenue the County will receive from HB 2338

- R-13 Budget Modification DGS #9 making an appropriation transfer in the amount of \$200,000 from Data Processing Fund Contingency to Information Services, Capital Equipment, for the purchase of an upgrade to the County's existing Central Processing Unit (CPU)

DEPARTMENT OF HUMAN SERVICES

- R-14 In the matter of ratification of an Intergovernmental Agreement with the 6255th United States Army Reserve Dental Service Detachment, whereby reserve personnel will provide dental service to County prisoners at Corrections Health Clinic
- R-15 In the matter of ratification of an Intergovernmental Agreement between Tri-Met and Developmental Disabilities Program Office, for transportation services for Multnomah County residents only, for period July 1, 1989 to June 30, 1990
- R-16 In the matter of ratification of an Intergovernmental Agreement with the Regional Research Institute at Portland State University for \$41,873 and Aging Services, for evaluation of two demonstration projects (The Oregon Partners in Energy Chronic Arrearages Project funded by the State Community Services, and the Homeless Family Self Sufficiency Project funded by the U.S. Department of Health and Human Services), for period July 1, 1989 to June 30, 1990
- R-17 In the matter of ratification of 3 Intergovernmental Agreements to the State Community Services Contract, adding a total of \$188,894 to the County's omnibus contract, for period October 31, 1989 to June 30, 1990
- R-18 In the matter of ratification of an Intergovernmental Agreements with a) Gresham Elementary School, and b) Barlow-Gresham Union High School, to reimburse the County for performing semi-annual inspections of food service operations until August 31, 1991
- R-19 In the matter of ratification of an Intergovernmental Agreement amendment between Alcohol Treatment and Training Center, OHSU, and Multnomah County Alcohol and Drug Program Office, to pay for interpreter for hearing impaired DUII clients, for period July 1, 1989 to June 30, 1990

- R-20 Budget Modification DHS #25 making an appropriation transfer in the amount of \$2,400 within Juvenile Justice from Materials & Services to Capital Outlay, for the purchase of a Wang Word Processing System upgrade
- R-21 Budget Modification DHS #26 making appropriation adjustments for net total of \$40,460 in the Social Services (Children's Clinical Services) budget, reflecting actual program operating costs, and making adjustments in Personnel, related Materials & Services, telephone and building management line items

DEPARTMENT OF JUSTICE SERVICES

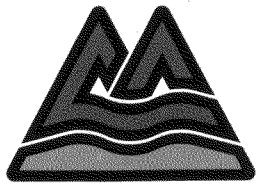
- R-22 Budget Modification DJS #12 reflecting additional revenues in the amount of \$117,562 (ROCN Anti Drug Grant) and \$39,188 (Equitable Sharing) to the the District Attorney's Office, to apprehend and prosecute drug offenders

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers

Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers

Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers



MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL
1120 S.W. FIFTH AVENUE, SUITE 1530
P.O. BOX 849
PORTLAND, OREGON 97207-0849
(503) 248-3138

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY, CHAIR
PAULINE ANDERSON
RICK BAUMAN
GRETCHEN KAFOURY

M E M O R A N D U M

TO: Jane McGarvin
Clerk of the Board

FROM: Larry Kressel *fk*
County Counsel (106/1530)

DATE: January 10, 1990

RE: LUBA Appeal: Rockwood Water PUD

COUNTY COUNSEL
LAURENCE KRESSEL

CHIEF ASSISTANT
ARMINDA J. BROWN

ASSISTANTS
JOHN L. DU BAY
SANDRA N. DUFFY
J. MICHAEL DOYLE
H. H. LAZENBY, JR.
PAUL G. MACKAY
MARK B. WILLIAMS

The City of Portland has appealed the Board's decision on the boundaries of the Rockwood Water PUD. I believe a copy of the Notice of Intent to Appeal was sent to the Board of Commissioners by petitioner.

LUBA rules require the county to file the record of the county's action by January 30, 1990. I enclose LUBA's rules governing format for the record.

Please prepare the record and an index to it. Deliver the material to me on or before January 24th so that I can check it before copying and mailing. If you have any questions, don't hesitate to call me. Remember, transcripts of hearings are not required (the tapes will do).

ATTY1.45/mw
cc Lorna Stickel
Frank Josselson

1990 JAN 11 10:42
CLERK OF COUNTY
OREGON

records. The telephone number may be omitted for any such person.

(g) A statement advising all persons, other than the governing body, that in order to participate in the review proceeding a person must file a motion to intervene pursuant to OAR 661-10-050.

(h) Proof of service upon all persons required to be named in the Notice. See Exhibit 1.

(4) Filing Fee and Deposit for Costs: The Notice shall be accompanied by a filing fee of \$50 and a deposit for costs in the amount of \$150 payable to the Land Use Board of Appeals. One check, State of Oregon purchase order or money order for \$200 may be submitted. Cash shall not be accepted.

Record

661-10-025 (1) Contents of Record: Unless the Board otherwise orders, or the parties otherwise agree in writing, the record shall include at least the following:

(a) The final decision including any findings of fact and conclusions of law;

(b) All written testimony and all exhibits, maps, documents or other written materials included as part of the record during the course of the governing body's proceeding.

(c) Minutes of the meetings conducted by the governing body as required by law. A verbatim transcript of audiotape recordings shall not be required, but if a transcript has been

prepared, it shall be included.

(2) Transmittal of Record: The governing body shall, within 21 days after service of the Notice on the governing body, transmit to the Board the original or a certified copy of the record of the proceeding under review. The governing body may, however, retain any large maps or documents which are difficult to duplicate, until the date of oral argument.

(3) Service of Record: Contemporaneously with transmittal, the governing body shall serve a copy of the record, exclusive of large maps and other documents which are difficult to duplicate, on the petitioner or the lead petitioner, if one is designated. The governing body shall also serve a copy of the record on any other party requesting a copy provided such other party reimburses the governing body for the reasonable expense incurred in copying the record.

(4) Specifications of Record:

(a) The record shall:

(A) Be filed in a suitable folder; the cover shall bear the title of the case as it appears in the Notice, and the Board's numerical designation for the case, and shall indicate the numerical designation given the land use decision by the governing body;

(B) Begin with a table of contents, listing each item contained therein, and the page of the record where the item begins (see Exhibit 2), and listing each large map or document retained by the governing body under subsection (2) of this

rule;

(C) Be securely fastened;

(D) Have pages numbered consecutively, with the page number at the bottom right-hand corner of each page;

(E) Be arranged in inverse chronological order, with the most recent item on top.

(b) A record which does not conform to the preceding requirements shall not be accepted by the Board.

Objections to the Record

661-10-026 (1) Before filing an objection to the record, a party shall attempt to resolve the matter with the governing body's legal counsel. If the governing body amends the record in response to an objection, the date the amendment is received by the Board shall be considered the date the record is received for the purpose of computing time limits as required by these rules.

(2) An objection to the record shall be filed with the Board within 10 days following service of the record on the person filing the objection. Objections may be made on the following grounds:

(a) The record does not include all materials included as part of the record during the proceedings before the governing body. The omitted item(s) shall be specified, as well as the basis for the claim that the item(s) are part of the record.

(b) The record contains material not included as part of

1/24/90

Doc -

Here is the record. Follow
the attached format
rules. The top sheet should
be an index, which

means you need to
paginate the record.

The documents go in
reverse chron. order, so
the 1st item ought to be
the BCC record. determining
→

the boundaries.

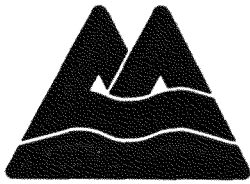
The due date for mailing
is 1/30. We'll need a
copy for me and a copy
for Portland. I'll try
to get an extension for
a week from LUBA to give
us some breathing room.

Call me if you have
questions. I told Delmar.

Thanks!

Larry
AFFIDAVIT CLERK of the Board
TRUE on file \bar{c}
COPY
CLERK'S
OFFICE
LUBA
89-059
RUTH
SPETTER

NDP on
file \bar{c}
County Counsel



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TO: Jane McGarvin
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(b) The record contains material not included as part of

the record during the proceedings before the governing body. The item(s) not included as part of the record during the proceedings before the governing body shall be specified, as well as the bases for the claim that the item(s) are not part of the record.

(c) The minutes or transcripts of meetings or hearings are incomplete or do not accurately reflect the proceedings.

(3) An objection on grounds that the minutes or transcripts are incomplete or inaccurate shall demonstrate with particularity how the minutes or transcripts are defective and shall explain with particularity why the defect is material. Upon such demonstration, the Board shall require the governing body to produce additional evidence to prove the accuracy of the contested minutes or transcripts. If the evidence regarding contested minutes is in an audiotape recording, a transcript of the relevant portion shall be submitted.

(4) The Board may conduct a telephone conference with the parties to consider any objections to the record.

(5) If an objection to the record is filed, the time limits for all further procedures under these rules shall be suspended. When the objection is resolved, the Board shall issue a letter or order declaring the record settled and setting forth the schedule for subsequent events. Unless otherwise provided by the Board, the date of the Board's letter or order shall be deemed the date of receipt of the record for purposes of computing subsequent time limits.

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

CITY OF PORTLAND,)	
)	LUBA No. 89-059
Petitioner,)	
)	RETURN OF RECORD
vs.)	
)	
MULTNOMAH COUNTY,)	
)	
Respondent.)	

Respondent Multnomah County herewith returns the record in
the above-captioned appeal.

Respectfully submitted,

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 

Laurence Kressel, OSB #75211
Of Attorneys for Respondent

1ATTY.63/mw

CLERK'S
Copy

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EXHIBIT

1. Figure 6-1 Capital Improvement Plan Scenario 2 - Map too Large to Photocopy - Original in Office of Multnomah County Counsel

0736C
dlr

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 In the Matter of Determining the)
Boundaries of the Rockwood Water) RESOLUTION
4 Public Utility District and Calling)
An Election on District Formation) #89-214
5 And Related Matters)

6
7
8 WHEREAS, the Multnomah County Board of Commissioners
received a petition requesting formation of a public utility
9 district to be known as Rockwood Water Public Utility District
(P.U.D.); and

10 WHEREAS, ORS 261.161(2) requires the Board of County
11 Commissioners to determine the boundaries of the proposed
P.U.D.; and

12 WHEREAS, a hearing on the boundaries was held on
13 November 21, 1989 and December 12, 1989; and

14 WHEREAS, the Board of County Commissioners has
received two petitions for inclusion of additional land within
15 the boundaries of the proposed P.U.D. (Ducks Moorage and
Dorothy Weatherston properties); and

16 WHEREAS, the Multnomah County Department of Assessment
17 and Taxation has reviewed the legal description of the
boundaries as proposed in the P.U.D. petition and found them to
18 be correct; and

19 WHEREAS, the Board has received and considered the
Oregon Department of Energy's report on the proposed P.U.D.; and

20 WHEREAS, although public policy arguments for reducing
21 the boundaries were made by city representatives, the Board
believes that it does not have the option of considering such
22 arguments under ORS Chapter 261; and

23 WHEREAS, approving the boundaries as proposed by
petitioners protects the right of initiative and the right of
24 property owners within the boundaries to vote. Opponents of
the boundaries as proposed by the petitioners retain the right
25 to be heard through the campaign process.

1 NOW, THEREFORE, BE IT RESOLVED that

2 1. Subject to point 2 below, the boundaries of the
3 Rockwood Water Public Utility District shall be those presented
4 in the petition. A legal description of those boundaries is
5 attached as Exhibit 1.

6 2. The boundaries shall include the Ducks Moorage
7 Property and The Weatherston property described in Exhibit 2.

8 3. Exhibits 1 and 2 are incorporated into this
9 resolution.

10 4. The question of whether the district should be
11 formed, the election of district directors, and the proposal
12 for authorization of the district to impose a special levy of
13 \$3,000 shall be submitted to the voters at the May 15, 1990
14 election.

15 5. The Director of Elections shall publish the
16 notices required by law and place the P.U.D. proposal on the
17 May 15, 1990 ballot.

18 ADOPTED this 19th day of December, 1989.

19 BOARD OF COUNTY COMMISSIONERS
20 FOR MULTNOMAH COUNTY, OREGON

21 (SEAL)

22 By

23 Gladys McCoy
24 Gladys McCoy, Chair
25 Multnomah County, Oregon

26 REVIEWED:

27 Laurence Kressel
28 Laurence Kressel, County Counsel
29 of Multnomah County, Oregon

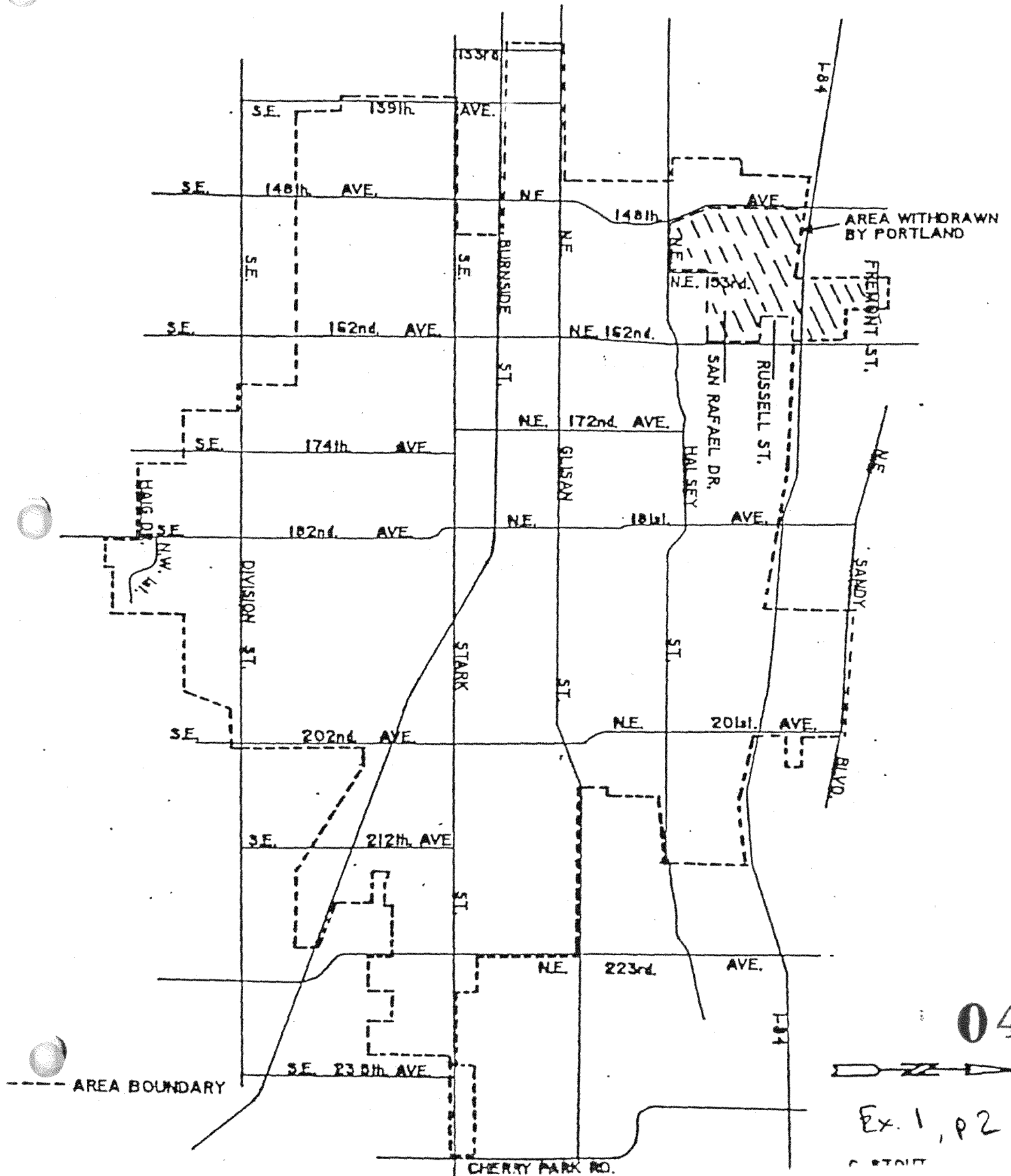
30 (12/19/89)

31 6582R/mc

32 Page 2 of 2

The entire boundaries of the District shall lie within Multnomah County, beginning at the center line of SE 182nd Avenue approximately 1,950' north of the SW corner of Section 8, T 1 S, R 3 E; thence easterly 300'; thence northerly 170'; thence easterly 1,317'; thence northerly 20'; thence easterly 530'; thence northerly 420'; thence easterly 93'; thence northerly 1,450'; thence easterly 1,785'; thence north easterly 1,100'; thence easterly 193'; thence northerly 215'; thence easterly 660' to the NE corner of Section 8, T 1 S, R 3 E; thence northerly along the center line of 202nd Avenue 3,126'; thence easterly 720'; thence south easterly 590'; thence northeasterly 10'; thence southeasterly 84'; thence southerly 62'; thence easterly 102'; thence southeasterly 2,426'; thence easterly 1580'; thence northerly 610' to the center line of Burnside Street; thence northwesterly along said center line 1,630' to the intersection of the center lines of Burnside Street and Farris Road; thence easterly 560'; thence northerly 810'; thence westerly 825'; thence northerly 395'; thence easterly 264'; thence southerly 113'; thence easterly 557'; thence northerly 90'; thence easterly 1,330'; thence southerly 560'; thence easterly 980'; thence northerly 665'; thence easterly 805'; thence southerly 665'; thence easterly 875'; thence northerly 2,080'; thence easterly 2650'; thence northerly 460'; thence westerly 2,250'; thence southerly 242'; thence westerly 215'; thence southerly 215'; thence westerly 1,912'; thence northerly 537'; thence westerly 935'; thence northerly 2,800'; thence westerly along the center line of Glisan Street 4,150'; thence northerly 2,050'; thence easterly 970' along the center line of Halsey Street; thence northerly 1,800' to the southern right-of-way line of O.W.R. & N. Company; thence westerly along said right-of-way line to the centerline of 201st Avenue; thence northerly 715'; thence easterly 860'; thence northerly 258'; thence westerly 860'; thence northerly 1,375'; thence westerly along the center line of Sandy Boulevard 3,200'; thence southerly 1,865'; thence westerly along O.W.R. & N. Company to the center line of 181st Avenue; thence southerly 430'; thence westerly 320'; thence northerly 180'; thence generally westerly following the Interstate 84 southern right-of-way 2,020'; thence southerly 45'; thence north westerly 365'; thence westerly 450'; thence southerly 110'; thence westerly 1,680'; thence southerly 80'; thence westerly 860' more or less; thence southerly 550'; thence generally easterly 850'; thence southerly 1,500' more or less; thence westerly 880'; thence northerly 100'; thence westerly 150'; thence northerly 130'; thence westerly 300'; thence northerly 80'; thence westerly 870'; thence southerly 1,300' to the north right-of-way of NE Halsey; thence westerly 1,185'; thence generally north westerly to the western right-of-way line of NE 148th Ave.; thence generally northerly 2,800'; more or less; thence westerly 800' more or less; thence southerly 1,820'; thence westerly 850'; thence southerly 1,800'; thence easterly 1,010'; thence southerly 2,650'; thence westerly 3,695'; thence southerly 1,440'; thence easterly 5,310'; thence southerly 1,010'; thence westerly 3,980'; thence southerly 2,710'; thence easterly 650'; thence southerly 1,160'; thence easterly 4,335'; thence northerly 20'; thence easterly 335'; thence southerly 20'; thence easterly 665'; thence southerly 20'; thence easterly 670'; thence southerly 60'; thence easterly 1,330'; thence southerly 1,330'; thence easterly 700'; thence southerly 1,320'; thence easterly 1,020'; thence northerly 42'; thence easterly 370'; thence southerly 710'; thence easterly 330'; thence southerly 615'; thence easterly 1,655'; thence southerly 650' to the point of true beginning.

DESCRIPTION OF BOUNDARIES



A tract of land in Section 20, Township 1 North, Range 3 East, W.M. in Multnomah County, State of Oregon described as follows:

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CITY OF

PORTLAND, OREGON

OFFICE OF THE MAYOR

Office of
J.E. Bud Clark, Mayor
1220 S.W. 5th
Portland, Oregon 97204
(503) 248-4120

December 12, 1989

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
1021 SW FOURTH AVENUE
PORTLAND OR 97211

Re: Boundaries of proposed Rockwood People's Utility District (PUD)

Honorable Commissioners of Multnomah County,

As you are about to render a decision on the boundaries of the proposed PUD, I felt it essential that you understand the depth of our concern. The City of Portland is absolutely committed to fulfilling its urban services obligation to the citizens of Portland and Multnomah County.

The urban services boundary which is adopted in the Comprehensive Plans of Portland and Multnomah County defines the maximum service territory of the City. Numerous City-County intergovernmental agreements have been established on the basis of the urban services boundary. Both Portland and the County have expended thousands of tax dollars on the urban services policy, the subsequent intergovernmental agreements, and an annexation program which continues to make progress in the area of policy implementation.

I am convinced that you are absolutely empowered to set the boundaries of the proposed PUD. I am equally convinced that excluding the territory within the Portland/Multnomah County urban services boundary is the only action which you should be considering. To do otherwise would be inconsistent with six years of County urban services policy.

Due to the mandatory nature of the Board's obligation to determine the appropriate boundaries of the PUD the City is seriously considering a legal challenge in the event that the Portland urban services territory is included in the proposal's boundaries. This is not a position I relish taking, nor do I relish the inevitable delay in getting this matter to the voters which such a challenge would engender. It is, however, a matter of such importance to the City that a legal challenge is warranted. Portland is the logical urban service provider within the adopted urban services boundary, and water is one of Portland's most desirable services. The affected citizens will be afforded every right as citizens of Portland as they would if included in a water PUD.

Please do not act in a manner counter to the sound policy of the past six years. It is my sincere desire to avoid an adversarial relationship as regards the dispensation of this proposal. I am at your service to discuss this matter further.

Yours truly,


J.E. Bud Clark
Mayor of Portland

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

In the Matter of Determining the)
 Boundaries of the Rockwood Water) RESOLUTION
 Public Utility District and Calling)
 An Election on District Formation)
 And Related Matters)

WHEREAS, the Multnomah County Board of Commissioners received a petition requesting formation of a public utility district to be known as Rockwood Water Public Utility District (P.U.D.); and

WHEREAS, ORS 261.161(2) requires the Board of County Commissioners to determine the boundaries of the proposed P.U.D.; and

WHEREAS, a hearing on the boundaries was held on November 21, 1989 and December 12, 1989; and

WHEREAS, the Board of County Commissioners has received two petitions for inclusion of additional land within the boundaries of the proposed P.U.D. (Ducks Moorage and Dorothy Weatherston properties); and

WHEREAS, the Multnomah County Department of Assessment and Taxation has reviewed the legal description of the boundaries as proposed in the P.U.D. petition and found them to be correct; and

WHEREAS, the Board has received and considered the Oregon Department of Energy's report on the proposed P.U.D.; and

WHEREAS, although public policy arguments for reducing the boundaries were made by city representatives, the Board believes that it does not have the option of considering such arguments under ORS Chapter 261; and

WHEREAS, approving the boundaries as proposed by petitioners protects the right of initiative and the right of property owners within the boundaries to vote. Opponents of the boundaries as proposed by the petitioners retain the right to be heard through the campaign process.

T 9 A 3 1

NOW, THEREFORE, BE IT RESOLVED that

1. Subject to point 2 below, the boundaries of the Rockwood Water Public Utility District shall be those presented in the petition. A legal description of those boundaries is attached as Exhibit 1.

2. The boundaries shall include the Ducks Moorage Property and The Weatherston property described in Exhibit 2.

3. Exhibits 1 and 2 are incorporated into this resolution.

4. The question of whether the district should be formed, the election of district directors, and the proposal for authorization of the district to impose a special levy of \$3,000 shall be submitted to the voters at the March 27, 1990 election.

5. The Director of Elections shall publish the notices required by law and place the P.U.D. proposal on the March 27, 1990 ballot.

ADOPTED this ____ day of December, 1989.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

(SEAL)

By

Gladys McCoy, Chair
Multnomah County, Oregon

REVIEWED:

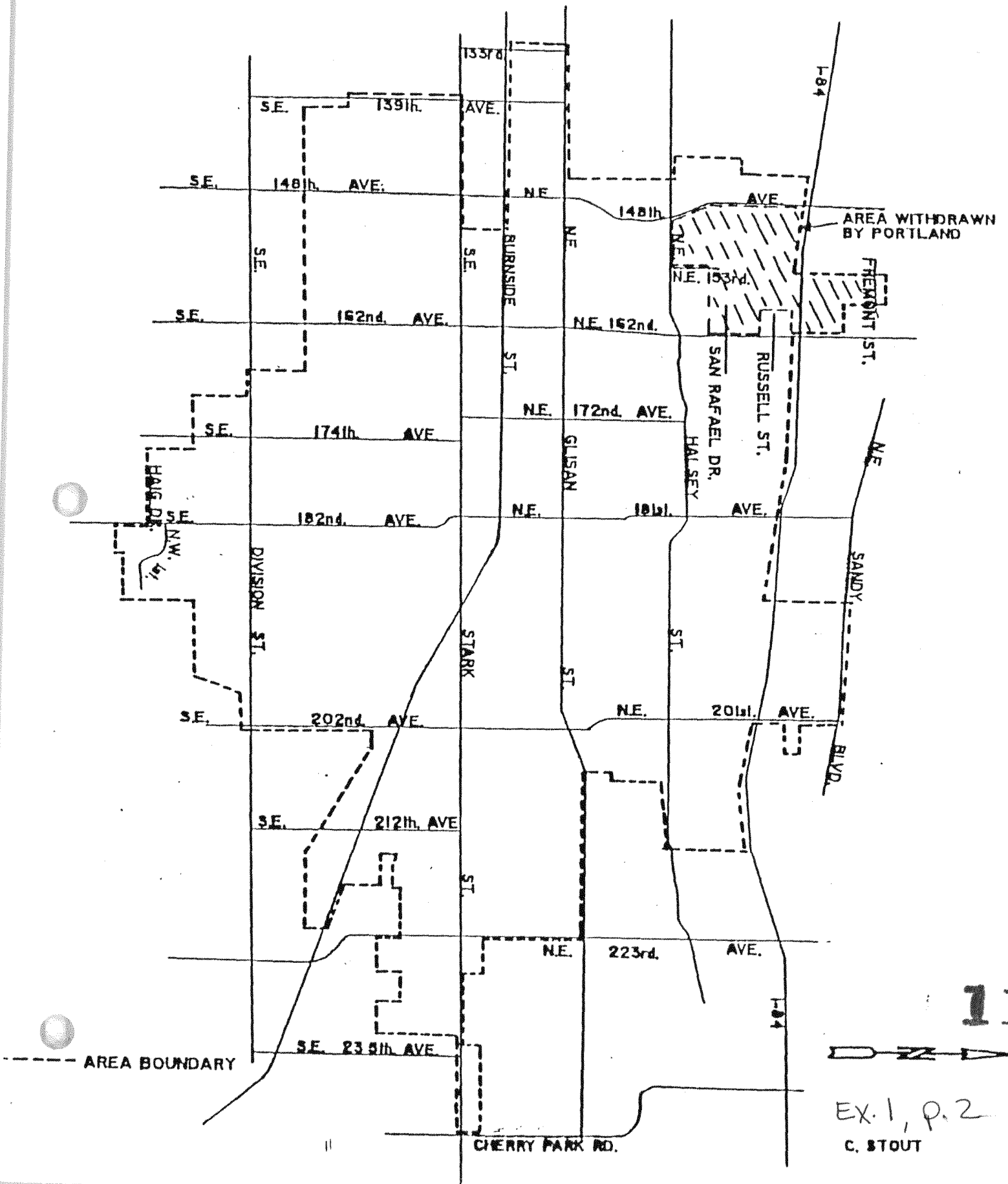
Laurence Kressel, County Counsel
of Multnomah County, Oregon

(12/11/89)

6582R/mc

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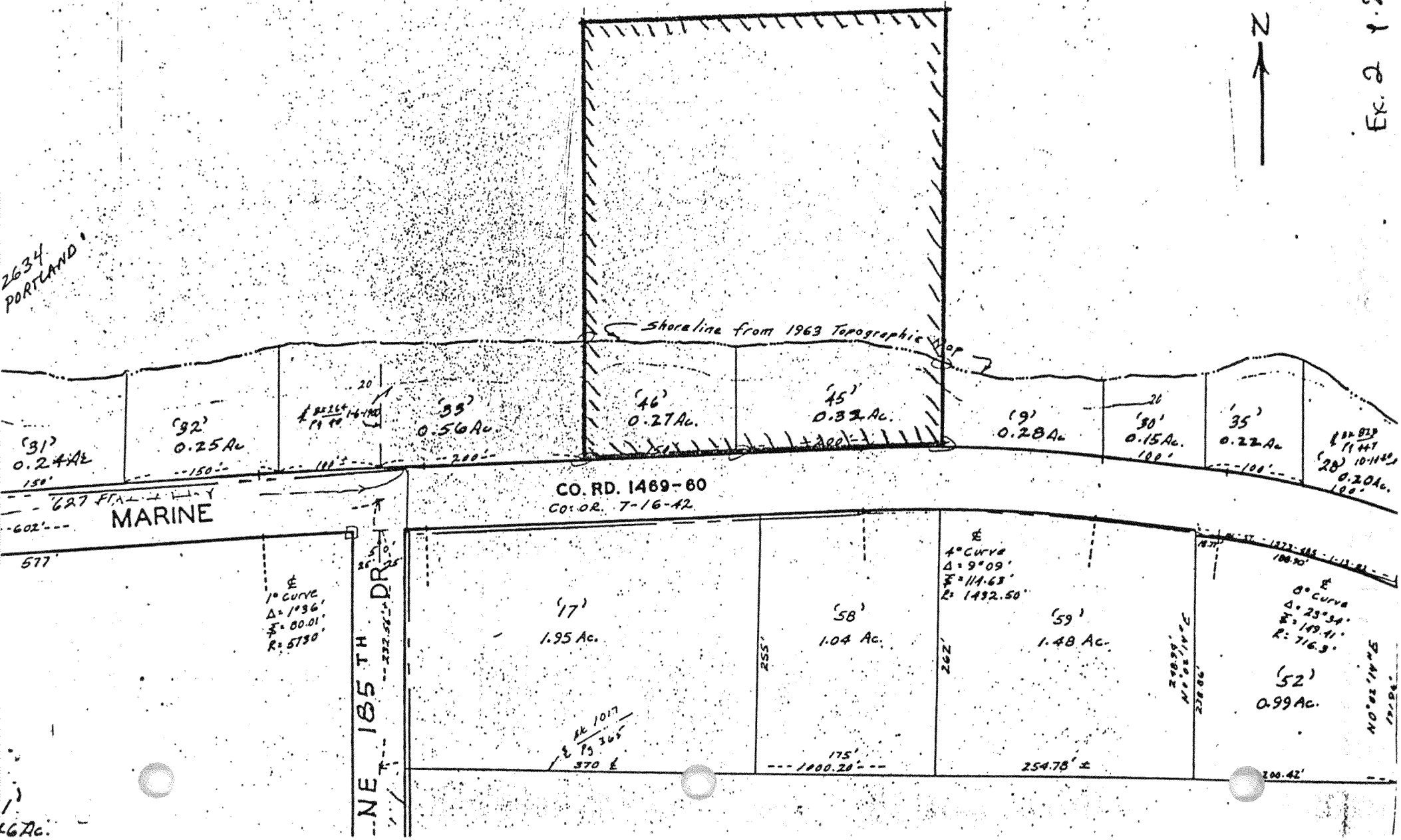


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H CHANNEL COLUMBI

Ex. 2 1.2



BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

In the Matter of Determining the)
 Boundaries of the Rockwood Water) RESOLUTION
 Public Utility District and Calling)
 An Election on District Formation)
 And Related Matters)

WHEREAS, the Multnomah County Board of Commissioners received a petition requesting formation of a public utility district to be known as Rockwood Water Public Utility District (P.U.D.); and

WHEREAS, ORS 261.161(2) requires the Board of County Commissioners to determine the boundaries of the proposed P.U.D. based on the record and the Energy Department report; and

WHEREAS, a hearing on the boundaries was held on November 21, 1989 and December 12, 1989; and

WHEREAS, the Board of County Commissioners has received two petitions for inclusion of additional land within the boundaries of the proposed P.U.D. (Ducks Moorage and Dorothy Weatherston properties); and

WHEREAS, the Board has received and considered the Oregon Department of Energy's report on the proposed P.U.D.; and

WHEREAS, substantial portions of the proposed P.U.D. have been annexed to cities which are ready and willing to provide these areas with domestic water (some lands have also been withdrawn by the cities from the Rockwood Water District); and

WHEREAS, the cities have done extensive public facility and financial planning for extending water service to these areas; and

WHEREAS, Portland has requested that the P.U.D. boundaries exclude all territory within the city's Urban Services Boundary; and

WHEREAS, Portland's Urban Services Policy (endorsed by Multnomah County by the document known as "Resolution A" in 1983) encourages annexation within an urban services boundary developed in a state-mandated, LCDC-acknowledged, comprehensive planning process. Complementary to this planning process are

7 3 1 8 0

1 the other state-mandated laws regarding annexation. Since
2 1969, a Local Government Boundary Commission has overseen
3 annexations and other territorial local government issues in
4 the metropolitan area; and

5 WHEREAS, Portland, Gresham, and Fairview always
6 intended, through a series of planned annexations, to provide
7 all municipal services to all city residents. The Rockwood
8 P.U.D. proposal is at odds with the cities' legitimate
9 objectives and statewide planning goals; and

10 WHEREAS, economies of scale are a very real advantage
11 in the water service industry, given the high level of capital
12 investment in the various components of the system: treatment,
13 storage, transmission, and distribution at adequate pressures
14 for home and commercial use as well as fire protection,
15 emergency repair response, and preventive maintenance. To be
16 able to meet these needs in the long-term at the lowest
17 possible rates within a given territory is best achieved by a
18 large utility providing services directly. To attempt to
19 deliver these services in an urban setting through a
20 specialized district does not make good sense; and

21 WHEREAS, administrative overhead is lowered and
22 accountability to ratepayers is best achieved where all urban
23 services within a given territory are provided by one entity
24 (city) rather than several separate entities. Where multiple
25 jurisdiction overlap to provide various services, the result is
26 confusion over jurisdiction, overlapping service areas, and
27 duplication of service; and

28 WHEREAS, the Energy Department's report states that
29 the Rockwood P.U.D. petition is very unusual in that it "does
30 not primarily involve whether a P.U.D. would provide cheaper
31 rates than the utility providing the existing service. What is
32 really involved in this proceeding is a question of annexation
33 by local governments" (Energy Report, p. 3); and

34 WHEREAS, the Board has determined, based on the
35 record, that the public interest will best be served in this
36 unique case by adjusting the proposed boundaries to exclude
37 lands that are to be served by municipalities; and

38 WHEREAS, a legal description of the appropriate
39 boundaries has been prepared;

1 NOW, THEREFORE, BE IT RESOLVED that

2 1. The boundaries of the Rockwood Water P.U.D. shall
3 be those set forth in Exhibit 1.

4 2. The question of whether the P.U.D. should be
5 formed, the election of district directors, and the special
6 levy of \$3,000 shall be submitted to the voters at the
7 March 27, 1990 election.

8 3. The Director of Elections shall publish the notice
9 required by law and place the P.U.D. proposal on the March 27,
10 1990 ballot.

11 ADOPTED this ____ day of December, 1989.

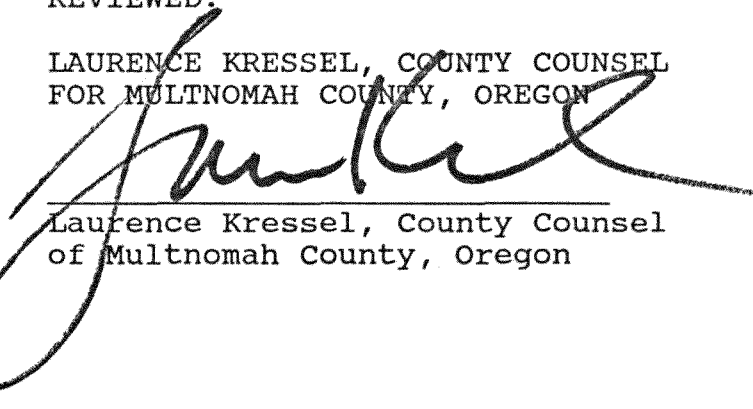
12 BOARD OF COUNTY COMMISSIONERS
13 FOR MULTNOMAH COUNTY, OREGON

14 (SEAL)

15 By _____
16 Gladys McCoy, Chair
17 Multnomah County, Oregon

18 REVIEWED:

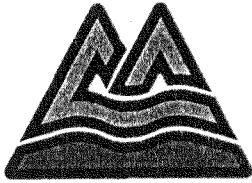
19 LAURENCE KRESSEL, COUNTY COUNSEL
20 FOR MULTNOMAH COUNTY, OREGON

21 
22 _____
23 Laurence Kressel, County Counsel
24 of Multnomah County, Oregon

25 (12/11/89)

26 6603R/mc

Page 3 of 3



MULTNOMAH COUNTY OREGON

DIVISION OF ASSESSMENT & TAXATION
610 S.W. ALDER
PORTLAND, OREGON 97205-3603

TAX INFORMATION: (503) 248-3326
APPRAISAL SECTIONS: (503) 248-3367
RECORD MANAGEMENT: (503) 248-3375
ADMINISTRATION: (503) 248-3323

December 6, 1989

Jane McGarvin
Clerk of the Board of Commissioners
Multnomah County

The attached description of the Rockwood Water Peoples Utility District meets the requirements of the Division of Assessment & Taxation.

The cross-hatched area on the attached map is not included in the description.

I have also attached a description and map for the Ducks Moorage and Dorothy Weathertson property.

If I can be of any additional assistance please give me a call at 248-3376.

Very truly yours,
Division of A & T

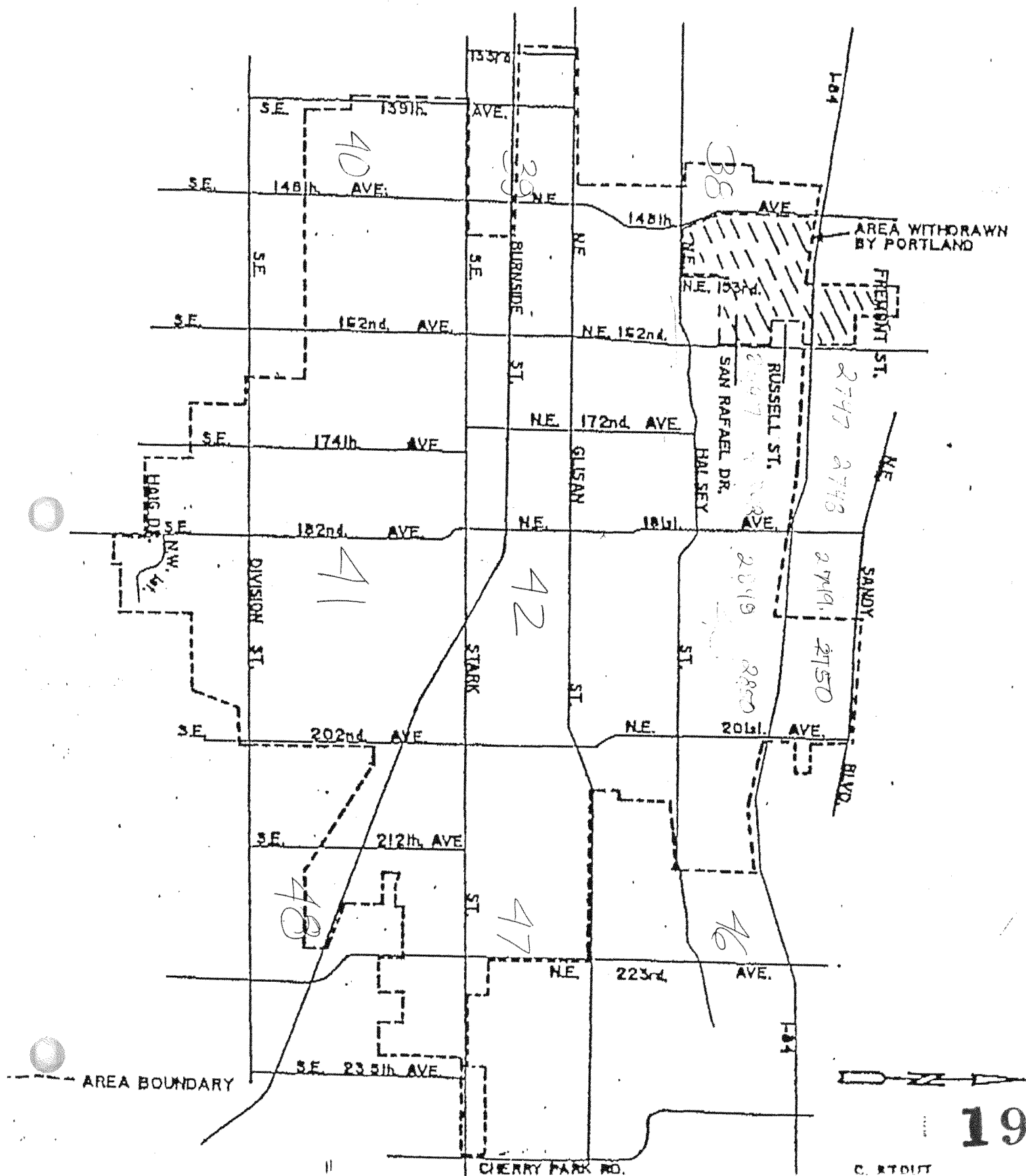
James S. Czmowski
Record Management

Enclosures

1989 DEC - 7 PM 1:11
MULTNOMAH COUNTY
OREGON

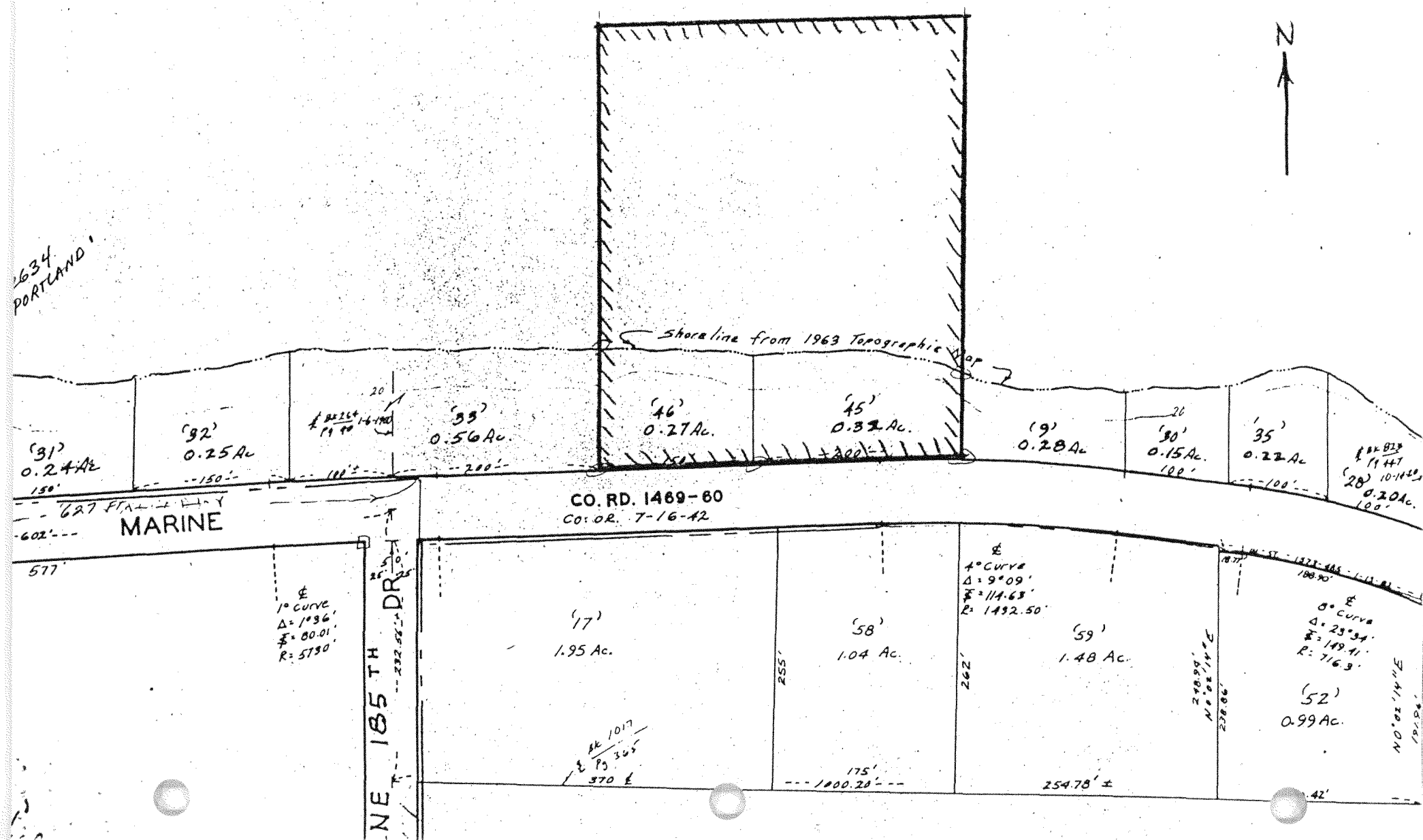
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March 21, 1989

To: County Commissioners

the map as outlined in the
meeting held tonight does not
include current customers of the
Rockwood Water District residing on
N.E. Marine Drive, namely,

Dorothy Weatherston

18601 N.E. MARINE DRIVE

and

Ducks Morage

18699 N.E. MARINE DRIVE

I hereby request to be included
in the proposed PUD.

Dorothy Weatherston

OR THAT THE DESCRIPTION OF THE AREA

STATE THAT ALL CURRENT CUSTOMERS
ARE INCLUDED.

COMMENTS ON ROCKWOOD PUD
NOVEMBER 21, 1989

1. Mayor Clark sends regrets. Letter enclosed in packet which is submitted as part of record.
2. Points to make

- a. Focus seems to be on Gresham. Look at location of hearing.
- b. City-Co. have adopted Urban Services Boundary that conforms to state law. Defines City's logical boundary as full service provider of municipal services.
 - a. Involves mandated facilities planning for future
- c. City-Co. have Resolution A/Urban Services Policy that calls for City to be provider of municipal services within the boundaries of the City-County Urban Services Boundary. Water is named specifically in the joint City-County agreement that outlines "municipal services" to be provided by the City.

Despite some negative court decisions, City continues to pursue this policy in good faith. Budget this year includes over \$400k City money and \$60k County money in support of annexation program. The City is the primary source of water to all of this area and transitioning residents to retail water service has been an important part of the over-all package of services that the City has offered in many annexed areas.

- d. City has planned for and is prepared to serve this area. Indeed, it is already serving some of the area that has been withdrawn from the Rockwood District.
- e. The creation of a PUD for water within the City's Urban Growth Boundary flies in the face of past City and County efforts to insure a single, multi-purpose service provider in the area. A PUD would add another layer of government with illogical boundaries. This violates concept of state land use planning, boundary commission policy and efforts of City and County to rationalize services in the past.
- f. This proposal may violate ORS 261.030 which does not allow a PUD to interfere with municipal utility. Yet this petition would withdraw service area from within the City and compromise future planning of the City's utility.
- g. Spirit of 1989 legislation is to consider governance, economically feasible service solutions; not just isolated service issues. As ODOE notes, this is a political, not a service issue. Should treat it in the spirit of new legislative policy - key services bundled together, government streamlined and responsive.

3. Request that County Commission amend boundary to eliminate all territory within the City of Portland Urban Service Boundary as jointly adopted by both the City of Portland and Multnomah County.
/Rockwood



CITY OF
PORTLAND, OREGON
OFFICE OF THE MAYOR

Office of
J.E. Bud Clark, Mayor
1220 S.W. 5th
Portland, Oregon 97204
(503) 248-4120

November 21, 1989

Multnomah County Board of Commissioners
1021 SW Fourth Avenue
Portland, Oregon 97204

Honorable Commissioners,

The City of Portland respectfully requests that the boundaries of the proposed Rockwood People's Utility District (PUD) exclude all areas within the Portland - Multnomah County urban services boundary. City, County, and State planning goals, and Boundary Commission policy all support municipalities providing urban services in developed, unincorporated neighborhoods.

Moreover, the statute governing the formation of PUDs (ORS 261.030) provides that nothing shall interfere with an existing municipal utility. We believe that the proposed PUD is unnecessary insofar as Portland's urban services area is concerned. The City is capable of supplying water service to the subject area without the overlap and redundancy involved in overlapping jurisdictions with divided responsibilities.

The City's position is more fully described in the attached materials submitted for the record.

We respectfully request that you, the members of the Multnomah County Commission, whose charge it is to look after the interests of all County residents, exclude those areas within the proposed PUD that are within Portland's urban service boundary.

Sincerely,

J. E. Bud Clark
Mayor

attachment

November 21, 1989

Subj: Written Testimony Regarding the Proposed Rockwood People's Utility District (PUD)

Background

Over the last two decades unincorporated mid-Multnomah County has changed dramatically. The density and extent of land development have transformed the area to one that is distinctly urban. Given this urban character, the area is now in need of the types and level of urban services typically found in cities, such as water, sewer, police, parks, and fire service. In the past these services were provided, piecemeal fashion, by Multnomah County or from various single-purpose special districts.

By 1984, a combination of factors had come in to play which compelled Multnomah County to phase out its provision of municipal services. Foremost among the contributing factors was a \$14 million budget shortfall; secondly, but also significant, was the realization that the County's responsibility was to provide county-wide services to all County residents rather than municipal services to only some County residents. The County, Portland, Gresham, and the State (through the Boundary Commission) agreed that the best way to provide the necessary urban services was by annexation to Portland or Gresham. Ten percent of the Rockwood water district has been annexed to Portland, with majority consent, and in two cases by election, to the City of Portland. An additional seventy percent of the Rockwood district has been annexed to Gresham.

The Rockwood PUD proposal includes territory annexed to Portland between 1984 and 1989, some (see attached map), but not all of which has been withdrawn from the existing Rockwood Water District. However, each Council Resolution approving an annexation in this area expressed the City's intent to withdraw annexed property from the water district. Additional territory potentially affected by the subject proposal is located within Portland's adopted urban services boundary (Ordinance Nos. 159285 & 159286). Public Facilities Planning for water services in the area have been adopted as an element of the City's Comprehensive Plan.

Comprehensive Planning

Portland has an adopted Comprehensive Plan, which has been acknowledged by the Land Conservation and Development Commission (LCDC). As part of the planning process, based upon the so-called Public Facility Plan rule (OAR 660 Division 11), Portland developed a plan "...setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be implemented..." (Comp. Plan Goal 11 Public Facilities, Policy 11.6 Facilities System Plan).

Portland has done extensive public facility and financial planning for extending this service, and budgets have been adopted with this in mind. There ought to be a clear finding, one way or the other, as to the logic of this proposal, and a determination as to the best interests of the people involved. To put this in perspective, the City of Portland has a Multnomah County population of 430,000; the population in the proposed PUD is about 30,000.

Urban Services Policy

Portland's operative Urban Services Policy encourages annexation within the framework of an urban services boundary developed in a legitimate, state-mandated, LCDC-acknowledged, comprehensive planning process. Complementary to this planning process are the other state-mandated laws regarding annexation. Since 1969, a Local Government Boundary Commission has overseen annexations and other territorial local government issues in the metropolitan area. The Boundary Commission was established to provide an impartial forum for these reviews.

The City always intended, through a series of planned annexations, to provide all municipal services to all city residents. The planning models generated to determine an appropriate boundary were based on this assumption. The Rockwood PUD proposal is at odds with the City's objective and statewide planning goals. The annexation program begun in 1983 has proceeded because the area residents petitioned the City and the State-mandated Boundary Commission, pursuant to the ORS Chapter 199. Among the widely-recognized positive features of this effort is that local government becomes more streamlined, local service delivery more rationalized, and costly duplication of service is minimized.

The impetus for local support has always been the idea of joining Portland for all its services, including City water service. The City of Portland intends and is capable of serving annexed neighborhoods. In point of fact, water is one of Portland's foremost municipal services.

Water Service Delivery

Economies of scale are a very real advantage in the water service industry, given the high level of capital investment in the various components of the system: treatment, storage, transmission, and distribution at adequate pressures for home and commercial use as well as fire protection, emergency repair response, and preventive maintenance. To be able to meet these needs in the long-term at the lowest possible rates within a given territory is best achieved by a large utility providing services directly. To attempt to deliver these services in an urban setting through third parties does not make good sense.

Portland has a proven record in meeting the needs of water consumers in the long term, evidenced by both its history and current operations. In the past ten years alone Portland has spent \$145 million on water system improvements for distribution, supply, storage, and treatment projects.

Administrative overhead is lowered and accountability to ratepayers is best achieved where all urban services within a given territory are provided by one entity rather than several separate entities. Where multiple jurisdiction overlap to provide various services, the result is confusion over jurisdiction, overlapping service areas, and duplication of service. Coordination of delivery of services, spreading overhead among many services, the ability to better nurture expertise, sharing equipment--all of these factors support movement in the direction of multi-purpose districts, commonly called cities. It is unreasonable to expect separate governing bodies with agendas specific to the service they provide to act in a coordinated manner the way a city operates. For the citizenry, it is unrealistic to expect much understanding and hold separate boards accountable for actions which lacked a coordinated thrust.

The Water Bureau provides direct service to a portion of the 1200 customers that have been withdrawn from Rockwood. The remainder of the customers in the withdrawn area receives water that is wheeled through the Rockwood system according to the provisions of the 25-year Water Sales Agreement.

The Water Bureau would be able to provide direct service to the vast majority of the withdrawn area once the district determines which facilities are not needed to serve the remainder of its customers. In addition, the Water Bureau would be capable of serving the entire area with the City's urban services boundary, whether inside or outside the City limits, if the water district ceased to provide that service.

If the Water Bureau provided direct water service to the Rockwood area which is outside Portland, the rates would compare favorably with those now charged by the district.

Portland offers the lowest rates and best system to the people within the urban services boundary. There is no compelling reason for replacing a proven, full-service city with a single-purpose, utility district.

Corrections to ODOE Report

On page two of the press release, (paragraph 2) and on page 4 (paragraph 1) of the report ODOE states that upon completion of planned annexations; the remaining portion of the Rockwood water district would bear the brunt of the district's financial obligations and rates would double. This is incorrect in two ways:

1. A proportionate share of the district's indebtedness goes to the annexing/withdrawing authority when they annex/withdraw. It is based on the value of the area withdrawn to the total value. The same proportion of debt is also assumed; at this point in time, Portland has assumed 25% of the Rockwood Water District debt.
2. With less than 25% of the Rockwood water district remaining un-annexed, the district could voluntarily dissolve and the remaining customers could be served by the City as extraterritorial customers, much the same as occurred in the Parkrose, Sylvan, and Hayden Island water service areas.

Conclusion

The part of the proposed Rockwood People's Utility District which is also within the Portland-Multnomah County urban services boundary should be removed from the boundaries of the proposal. The Commission has the authority to determine the boundaries for the PUD, and with the City's testimony, has the grounds to modify the boundaries. This is a unique situation, where municipalities are already providing the service proposed for the PUD. Specific findings pertaining to this issue should be made to support the decision made in this regard.



CITY OF
PORTLAND, OREGON
OFFICE OF CITY ATTORNEY

Jeffrey L. Rogers, City Attorney
1220 S.W. 5th Avenue
Portland, Oregon 97204
(503) 248-4047

November 21, 1989

RECEIVED

NOV 21 1989

INTEROFFICE MEMORANDUM

FISCAL ADMINISTRATION

TO: Larry Kressel
Multnomah County Counsel

FROM: Ruth Spetter *RS*
Senior Deputy City Attorney

SUBJ: Rockwood P.U.D. - Board of County Commissioner's
Authority and Obligation Regarding Exclusion of
Territory

This memorandum is submitted pursuant to your suggestion.

Background

Pursuant to ORS 261 a petition for a People's Utility District (P.U.D.) has been filed with the Board of County Commissioners for a determination of the district's boundaries. The City of Portland believes that the following territory should be excluded from the proposed district's boundaries.

1. Territory which has been annexed and withdrawn by the City;
2. Territory which has been annexed by the City; and
3. Territory not annexed to the City but within its Urban Services Boundary.

The policy reasons for exclusion deal with important issues of future development of the region and the unnecessary duplication of services. These issues will not be further addressed here but rather will be addressed in detail in the City's testimonial submittal to the Board.

This memorandum will deal with the Board's express authority and obligation to actually determine the P.U.D.'s boundaries -- not just rubber stamp the boundaries in the petition.

COUNTY BOARD OF COMMISSIONERS'
AUTHORITY TO EXCLUDE TERRITORY

A. GENERALLY

1. Must Be Implied: Authority By Implication Is Lawful.

In School Dist. No. 68 v. Hoskins et al, 194 Or 301, 240 P2d 949 (1952) the District Boundary Board was authorized by the State Legislature to change school district boundaries. The authorizing law did not provide for a hearing prior to such a change. The law did, however, require the Board to post notices of the proposed boundaries and the date of the Board's meeting when such a decision would be made.

From the statutory requirement that notice be posted, the Oregon Supreme Court implied an obligation by the Board for a hearing and also that it make its decision based upon the information provided during that hearing. Specifically, the Court held, in part, as follows:

"By the express terms of this statute
[n]o provision is made for the remonstrances
against the proposed change . . . nor are any
standards fixed for guidance of the . . .
Board in making its determination. In fact,
no direct provision is made for a hearing
before the Board. However, inasmuch as the
law requires the posting of notices, it may
be implied therefrom that the legislature
intended a hearing should be held; and that
persons opposed to any . . . change have the
right to remonstrate and to present evidence
in opposition; and that the Board in
determining [a school district's boundaries]
should give consideration to the entire
record. If this were not the intent, . . . the
posting of notices would serve no purpose
whatever." (Emphasis added.)

194 Or at 312.

Thus, it is lawful and right, under the appropriate circumstances, to imply obligations for full hearing and a determination based upon the information acquired at such a hearing.

As discussed in Section "A.2" of this memorandum the P.U.D. statute, (ORS Chapter 261), requires the commission to follow procedures which imply not only the commission's authority to exclude territory when its inclusion is not in the public interest, but also its obligation to do so.

2. ORS 261.161 Authorizes and Obligates the Board of County Commissioners to Hold a Hearing, Consider Requests for Exclusion from the Proposed P.U.D. and To Make a Decision Based Upon the Record and the Public Interest.
-

Unlike the limited statutory guidance provided in the statute regarding school districts, described in the Hoskins case, ORS 261.161 provides a considerable amount of guidance regarding the Board's obligation to determine the boundaries of a proposed P.U.D.

Specifically, the Board of County Commissioners are obligated to do the following:

- a. Give notice of a hearing on the proposed P.U.D. boundaries.
- b. Publish the notice.
- c. Hold up to four weeks of testimony regarding the P.U.D. boundaries.
- d. Take public testimony at the hearing.
- e. Make a determination based upon the record of the hearing, and
- f. Upon the report of the Director of the Department of Energy (ODOE).
- g. Correct deficiencies in the description of the boundaries of the proposed district.

The Board's obligation is expressly stated in this statute. That is, to make a decision based on the information provided at the hearing as well as the report from the Director of the Department of Energy. Unquestionably, the Board is not a rubber stamp for the petition presented for review. If the Board's only obligation was to be a rubber stamp there would be no need for a hearing and no requirement that it make a determination based

upon the information provided to it during the hearing and ODOE's Report. The Board is authorized and is obligated to make a determination regarding the inclusion or exclusion of property proposed in the petition. There is no question that the courts would find to this effect. Consider, in a case where statute required no more than that notice be posted, the Oregon Supreme Court found an obligation for a hearing so that person opposed could remonstrate and present evidence in opposition to inclusion within a district and an obligation for a determination based upon the information provided during the hearing. Under ORS 261.161, the Board's obligations for all of the above and more are expressly provided for.

The power to exclude property is properly and lawfully implied in this statute, which requires a consideration of all the information provided during the hearing and a decision based on that information.

This reading of the statute is further supported by the plain meaning of the word "determine." The county governing body must "determine the boundaries" of the proposed district. As defined by Websters, "determine" means "to set bounds or limits to; to fix the boundaries of; to limit in extent, scope, etc." Websters International Dictionary, 2d Ed (1950). The word is used explicitly to mean fixing boundaries in the sense of limiting their extent, by excluding territory, for example.

The only prohibition expressly placed upon the Board is a prohibition against the inclusion of additional territory without written request from such territory. There is no statutory prohibition against the exclusion of property.

3. The Board Is Not Without Standards For Making Its Determination.

The standard by which the Board of County Commissioners is always bound is that any action taken be in the public interest. Therefore, the Board has authority to consider policy issues which will be brought before it in making its determination of what territory it is within the public interest to include and what territory it would be in the public interest to exclude.

Relevant issues in this case might be urban services planning, service expectations of those who chose to be annexed to the City, rate differences and other issues raised during the hearing. The Board is authorized to make public interest decisions on such issues as it determines the proper boundaries. It is the Board's obligation under the statute to do so.

In addition, the Board is authorized to correct deficiencies in the boundaries. ORS 261.161(4).

B. BOARD OF COUNTY COMMISSIONERS MAY APPROPRIATELY EXCLUDE ALL PORTLAND PROPERTY INCLUDED WITHIN THE P.U.D. PROPOSED BOUNDARY.

The proposed P.U.D. currently includes property which has been annexed and withdrawn by the City of Portland, annexed by the City and also property which is simply within the City's urban services boundary. If the Board is convinced that it would be in the public interest to exclude any of this property it has the authority and the obligation to do so. This is especially true for the property which has been annexed and withdrawn from the Rockwood Water District.

The Board must realize that the history of the P.U.D. statute is one of enabling people to create utility districts when territorial limits of municipal operation limited the area which could be served. 20 Or. L.Ed. 3 (1940). There is no issue regarding the City's ability to provide service in this case. Furthermore, there is a strong statutory prohibition against a P.U.D.'s interference with existing municipal utilities.

ORS 261.030 specifically provides that "nothing [in Chapter 261] . . . authorizes or empowers the board of directors of any district to interfere with or exercise any control over any existing utility owned and operated by any . . . municipality" without the consent of the governing body of the municipality.

ORS 222.540 mandates that once a portion of a district has been withdrawn the district is obligated to, (i.e. the statute provides that "the district shall"), turn over to the City all of its water facilities not necessary for operation of the remainder of the district. In other words, once withdrawal is complete some portion of the system becomes a part of the municipality's system. A P.U.D. board unilaterally attempting to incorporate such property within a P.U.D. would be in violation of ORS 261.030. It makes no sense to include that property within the district's boundaries when the statute makes it illegal for the district to interfere with or exercise any control over such facilities after incorporation.

The only issue left to be decided in regard to the City's withdrawal of the Rockwood territory is which portion of the district's facilities must be retained by the district as necessary for the rest of its system.

This matter has not been concluded only because the district has been unwilling to cooperate in this regard in spite of efforts by the City of Portland, since early in 1989, to negotiate this issue. The City finally has no choice other than to request that this same board make that determination under ORS 222.540. However, any territory that the Board should determine is required by the district for the remainder of its system will remain with the district and, presumably, should a P.U.D. incorporate the remainder of the district, be a portion of the P.U.D.. Therefore, it is not only inappropriate but unnecessary to include the territory withdrawn by the City within the proposed district boundaries.

C. CITY'S WITHDRAWALS ARE VALID

An argument may be made regarding the validity of the City's withdrawal process. However, no actual challenge to that process has been raised. The City recalls an interest by the proponent of the P.U.D. in having the Board act under the circumstances as they existed at the time of its petition submission, i.e. under the old law. No City withdrawals have been challenged and found by a court of law to be illegal. Under the circumstances, it is only appropriate for the Board to act on the boundary issues based upon the legal situation as it exists at the time of the Board's hearing, i.e. the City's withdrawals are legal and completed.

CONCLUSION

The Board has a considerable amount of statutory direction and an express obligation to do more than just rubber stamp the petition process. The Board is obligated to make a real determination of the proper boundaries of a proposed P.U.D. That is why there is a hearing and the requirement that the Board make its determination based upon the information provided at that hearing, i.e., "the record." In this case, for the City, there are major policy issues of direct interest to and within the expertise of the Board upon which the Board should take a position. It may not be easy but it is the right thing to do. It is the obligation imposed upon the Board by law.

rs\wtr\corr\district

INTERGOVERNMENTAL AGREEMENT

OCT 05 1984

Transition of Urban Services

The City of Portland and Multnomah County enter into this agreement pursuant to the authority granted in Chapter 190 of Oregon Revised Statutes for the purpose of providing for the transition of responsibility for urban services from the City of Portland to Multnomah County.

PARTIES TO THE AGREEMENT

The CITY OF PORTLAND is a municipal corporation organized and existing under the laws and constitution of the State of Oregon and is hereinafter referred to as "the City".

The COUNTY OF MULTNOMAH is a Home Rule political subdivision of the State of Oregon organized and existing under the laws and constitution of the State of Oregon and is hereinafter referred to as "the County".

RECITALS

WHEREAS, to serve economic development goals, public health, and public safety, there is a need for a higher level of urban services in the urban, unincorporated areas of the County; and

WHEREAS, to adequately meet human services justice services, library services and other County-wide needs, and to eliminate the duplicative payment for County urban services by City taxpayers, the County must concentrate resources on these County-wide services; and

WHEREAS, the City and the County find that the most cost effective and rational method for the delivery of urban services in urban, unincorporated areas is through full service City government; and

WHEREAS, many citizens and property owners in currently unincorporated areas of the County desire to have the City meet the area's service needs; and

WHEREAS, the city and the county anticipate the city will annex by July, 1986 substantially all of the urban unincorporated areas of the County within the City's currently proposed urban services boundary; and

WHEREAS, the County has adopted Resolution A which provides for the reduction of County urban services to rural levels and for the concentration of County resources on County-wide services such as human services, justice services and library services; (a copy of Resolution A is attached as Appendix A); and

- 6) County Services. Public services usually provided by County governments including but not limited to Assessment and Taxation, Elections, Justice Services, Libraries and Health Services.
- 7) Improvement. All capital projects relating to road purposes including, but not limited to, road construction.
- 8) Jurisdiction. Authority of a unit of local government to regulate, operate, maintain, improve, plan, direct or manage streets and roads within the territorial boundaries of that government.
- 9) Local Access Roads. All public roads under the jurisdiction of Multnomah County as defined by ORS 368.001(3), (5) and (6) which have not been adopted and accepted or legalized as County roads.
- 10) Maintenance. The term "maintenance" includes, but is not limited to, road surface reconstruction overlay, resurfacing, rehabilitation, repair and widening; sidewalk construction and repair; installation, replacement and repair of traffic control devices such as signs, signals, pavement markings and barricades; street sweeping and drainage.
- 11) Population. The census developed by the Portland State University Center for Population Studies as of July 1 of each fiscal year.
- 12) Urban Services. Public services usually provided by City governments, including but not limited to, police service, neighborhood parks, transportation, sewers, water, fire service and land use planning and permits.
- 13) Willamette River Bridges. The following County-owned or maintained bridges that cross the Willamette River: Hawthorne Bridge, Morrison Bridge, Sellwood Bridge, Burnside Bridge, Broadway Bridge, and Willamette Slough Bridge. This includes the approaches connecting the bridges to the nearest at grade intersection with other City or State-owned roads.

ARTICLE THREE: TRANSPORTATION

SECTION I: RECITALS

- A. By this agreement the County and the City have deemed it necessary, expedient and in the best interest of the County and the City to equitably redistribute transportation service delivery requirements and resources in accordance

ROCKWOOD WATER DISTRICT
ASSUMED DEBT

ASSESSED VALUE OF DISTRICT 1988-89

977,914,046

ASSESSED VALUE OF AREA ANNEXED,

BOUNDARY COMMISSION ORDER # 2207,2236,2251,2266,2295,2383 & 2432

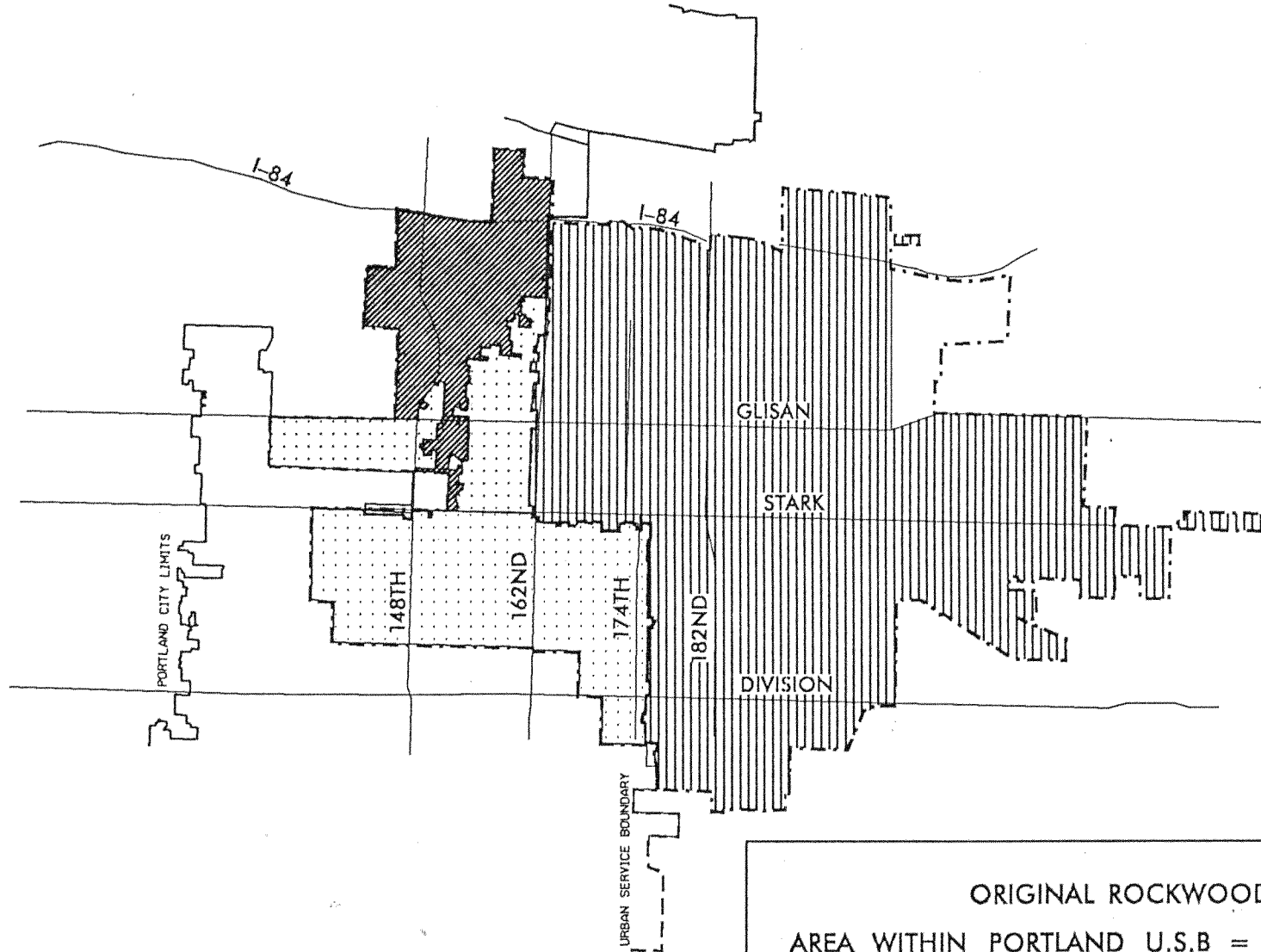
53,513,920




5.47225%

INTEREST	MATURITIES	DUE DATE
5.40%	135,000	12/1/89-90
5.50%	135,000	12/01/91
5.50%	135,000	12/01/92
5.70%	140,000	12/01/93
5.75%	140,000	12/01/94

INTEREST DATES	TOTAL		ROCKWOOD WATER DISTRICT		CITY OF PORTLAND	
	PRINCIPAL	INTEREST	PRINCIPAL	INTEREST	PRINCIPAL	INTEREST
06/01/89		22,797.50		17,211.50		5,586.00
12/01/89	135,000.00	22,797.50	101,921.45	17,211.50	33,078.55	5,586.00
06/01/90		19,152.50		14,459.62	0.00	4,692.88
12/01/90	135,000.00	19,152.50	101,921.45	14,459.62	33,078.55	4,692.88
06/01/91		15,507.50		11,707.75	0.00	3,799.75
12/01/91	135,000.00	15,507.50	101,921.45	11,707.75	33,078.55	3,799.75
06/01/92		11,795.00		8,904.91	0.00	2,890.09
12/01/92	135,000.00	11,795.00	101,921.45	8,904.91	33,078.55	2,890.09
06/01/93		8,015.00		6,051.11	0.00	1,963.89
12/01/93	140,000.00	8,015.00	105,696.32	6,051.11	34,303.68	1,963.89
06/01/94		4,025.00		3,038.77	0.00	986.23
12/01/94	140,000.00	4,025.00	105,696.34	3,038.77	34,303.66	986.23
TOTAL	820,000.00	162,585.00	619,078.46	122,747.32	200,921.54	39,837.68
ASSUMED DEBT OF PREVIOUS ANNEXATIONS					156,049.03	30,940.62
ASSUMED DEBT OF THIS ANNEXATION					44,872.45	8,897.06

PROPOSED ROCKWOOD P.U.D.



ORIGINAL ROCKWOOD WD = 4,466 ACRES		
AREA WITHIN PORTLAND U.S.B = 1,381 ACRES		31%
 AREA ANNEXED AND WITHDRAWN BY PORTLAND = 351 ACRES		8%
 UNINCORPORATED AREA = 1,030 ACRES		23%
 AREA ANNEXED BY GRESHAM = 3,085 ACRES		69%



CITY OF

PORTLAND, OREGON

OFFICE OF CITY ATTORNEY

Jeffrey L. Rogers, City Attorney
1220 S.W. 5th Avenue
Portland, Oregon 97204
(503) 248-4047

November 21, 1989

INTEROFFICE MEMORANDUM

TO: Larry Kressel
Multnomah County Counsel

FROM: Ruth Spetter *RS*
Senior Deputy City Attorney

SUBJ: Rockwood P.U.D. - Board of County Commissioner's
Authority and Obligation Regarding Exclusion of
Territory

This memorandum is submitted pursuant to your suggestion.

Background

Pursuant to ORS 261 a petition for a People's Utility District (P.U.D.) has been filed with the Board of County Commissioners for a determination of the district's boundaries. The City of Portland believes that the following territory should be excluded from the proposed district's boundaries.

1. Territory which has been annexed and withdrawn by the City;
2. Territory which has been annexed by the City; and
3. Territory not annexed to the City but within its Urban Services Boundary.

The policy reasons for exclusion deal with important issues of future development of the region and the unnecessary duplication of services. These issues will not be further addressed here but rather will be addressed in detail in the City's testimonial submittal to the Board.

This memorandum will deal with the Board's express authority and obligation to actually determine the P.U.D.'s boundaries -- not just rubber stamp the boundaries in the petition.

COUNTY BOARD OF COMMISSIONERS'
AUTHORITY TO EXCLUDE TERRITORY

A. GENERALLY

1. Must Be Implied: Authority By Implication Is Lawful.

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Thus, it is lawful and right, under the appropriate circumstances, to imply obligations for full hearing and a determination based upon the information acquired at such a hearing.

As discussed in Section "A.2" of this memorandum the P.U.D. statute, (ORS Chapter 261), requires the commission to follow procedures which imply not only the commission's authority to exclude territory when its inclusion is not in the public interest, but also its obligation to do so.

2. ORS 261.161 Authorizes and Obligates the Board of County Commissioners to Hold a Hearing, Consider Requests for Exclusion from the Proposed P.U.D. and To Make a Decision Based Upon the Record and the Public Interest.

Unlike the limited statutory guidance provided in the statute regarding school districts, described in the Hoskins case, ORS 261.161 provides a considerable amount of guidance regarding the Board's obligation to determine the boundaries of a proposed P.U.D.

Specifically, the Board of County Commissioners are obligated to do the following:

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- b. Publish the notice.
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- d. Take public testimony at the hearing.
- e. Make a determination based upon the record of the hearing, and
- f. Upon the report of the Director of the Department of Energy (ODOE).
- g. Correct deficiencies in the description of the boundaries of the proposed district.

The Board's obligation is expressly stated in this statute. That is, to make a decision based on the information provided at the hearing as well as the report from the Director of the Department of Energy. Unquestionably, the Board is not a rubber stamp for the petition presented for review. If the Board's only obligation was to be a rubber stamp there would be no need for a hearing and no requirement that it make a determination based

upon the information provided to it during the hearing and ODOE's Report. The Board is authorized and is obligated to make a determination regarding the inclusion or exclusion of property proposed in the petition. There is no question that the courts would find to this effect. Consider, in a case where statute required no more than that notice be posted, the Oregon Supreme Court found an obligation for a hearing so that person opposed could remonstrate and present evidence in opposition to inclusion within a district and an obligation for a determination based upon the information provided during the hearing. Under ORS 261.161, the Board's obligations for all of the above and more are expressly provided for.

The power to exclude property is properly and lawfully implied in this statute, which requires a consideration of all the information provided during the hearing and a decision based on that information.

This reading of the statute is further supported by the plain meaning of the word "determine." The county governing body must "determine the boundaries" of the proposed district. As defined by Websters, "determine" means "to set bounds or limits to; to fix the boundaries of; to limit in extent, scope, etc." Websters International Dictionary, 2d Ed (1950). The word is used explicitly to mean fixing boundaries in the sense of limiting their extent, by excluding territory, for example.

The only prohibition expressly placed upon the Board is a prohibition against the inclusion of additional territory without written request from such territory. There is no statutory prohibition against the exclusion of property.

3. The Board Is Not Without Standards For Making Its Determination.

The standard by which the Board of County Commissioners is always bound is that any action taken be in the public interest. Therefore, the Board has authority to consider policy issues which will be brought before it in making its determination of what territory it is within the public interest to include and what territory it would be in the public interest to exclude.

Relevant issues in this case might be urban services planning, service expectations of those who chose to be annexed to the City, rate differences and other issues raised during the hearing. The Board is authorized to make public interest decisions on such issues as it determines the proper boundaries. It is the Board's obligation under the statute to do so.

In addition, the Board is authorized to correct deficiencies in the boundaries. ORS 261.161(4).

B. BOARD OF COUNTY COMMISSIONERS MAY APPROPRIATELY EXCLUDE ALL PORTLAND PROPERTY INCLUDED WITHIN THE P.U.D. PROPOSED BOUNDARY.

The proposed P.U.D. currently includes property which has been annexed and withdrawn by the City of Portland, annexed by the City and also property which is simply within the City's urban services boundary. If the Board is convinced that it would be in the public interest to exclude any of this property it has the authority and the obligation to do so. This is especially true for the property which has been annexed and withdrawn from the Rockwood Water District.

The Board must realize that the history of the P.U.D. statute is one of enabling people to create utility districts when territorial limits of municipal operation limited the area which could be served. 20 Or. L.Ed. 3 (1940). There is no issue regarding the City's ability to provide service in this case. Furthermore, there is a strong statutory prohibition against a P.U.D.'s interference with existing municipal utilities.

ORS 261.030 specifically provides that "nothing [in Chapter 261] . . . authorizes or empowers the board of directors of any district to interfere with or exercise any control over any existing utility owned and operated by any . . . municipality" without the consent of the governing body of the municipality.

ORS 222.540 mandates that once a portion of a district has been withdrawn the district is obligated to, (i.e. the statute provides that "the district shall"), turn over to the City all of its water facilities not necessary for operation of the remainder of the district. In other words, once withdrawal is complete some portion of the system becomes a part of the municipality's system. A P.U.D. board unilaterally attempting to incorporate such property within a P.U.D. would be in violation of ORS 261.030. It makes no sense to include that property within the district's boundaries when the statute makes it illegal for the district to interfere with or exercise any control over such facilities after incorporation.

The only issue left to be decided in regard to the City's withdrawal of the Rockwood territory is which portion of the district's facilities must be retained by the district as necessary for the rest of its system.

This matter has not been concluded only because the district has been unwilling to cooperate in this regard in spite of efforts by the City of Portland, since early in 1989, to negotiate this issue. The City finally has no choice other than to request that this same board make that determination under ORS 222.540. However, any territory that the Board should determine is required by the district for the remainder of its system will remain with the district and, presumably, should a P.U.D. incorporate the remainder of the district, be a portion of the P.U.D.. Therefore, it is not only inappropriate but unnecessary to include the territory withdrawn by the City within the proposed district boundaries.

C. CITY'S WITHDRAWALS ARE VALID

An argument may be made regarding the validity of the City's withdrawal process. However, no actual challenge to that process has been raised. The City recalls an interest by the proponent of the P.U.D. in having the Board act under the circumstances as they existed at the time of its petition submission, i.e. under the old law. No City withdrawals have been challenged and found by a court of law to be illegal. Under the circumstances, it is only appropriate for the Board to act on the boundary issues based upon the legal situation as it exists at the time of the Board's hearing, i.e. the City's withdrawals are legal and completed.

CONCLUSION

The Board has a considerable amount of statutory direction and an express obligation to do more than just rubber-stamp the petition process. The Board is obligated to make a real determination of the proper boundaries of a proposed P.U.D. That is why there is a hearing and the requirement that the Board make its determination based upon the information provided at that hearing, i.e., "the record." In this case, for the City, there are major policy issues of direct interest to and within the expertise of the Board upon which the Board should take a position. It may not be easy but it is the right thing to do. It is the obligation imposed upon the Board by law.

rs\wtr\corr\district

Presentation to Multnomah County Commission

Prepared by the City of Gresham



November 21, 1989



CITY OF GRESHAM

1333 N.W. Eastman Parkway
Gresham, Oregon 97030-3825
(503) 661-3000

November 21, 1989

Gladys McCoy, Chair
Board of County Commissioners
Multnomah County Courthouse
1021 SW Fifth Avenue
Portland, OR 97204

RE: MULTNOMAH COUNTY COMMISSION HEARING - PROPOSED ROCKWOOD PEOPLE'S
UTILITY DISTRICT

Dear Chair McCoy:

As you know, the County Commission has received a petition for the formation of a new Rockwood People's Utility District, whose proposed boundaries include a portion of the City of Gresham's corporate territory. Inasmuch as the formation of a PUD within the corporate limits will have a significant negative effect on our citizens and water customers, the City of Gresham would like to include this letter and accompanying information in the record.

HISTORICAL BACKGROUND

In 1984, the City of Gresham began an aggressive annexation program in response to a decision by Multnomah County to end its role as a provider of urban services. In March, 1984, Gresham and the Rockwood Water District signed an agreement which would withdraw District water services "in a planned, orderly, and cost effective manner after annexation to the City" (Exhibit A). Under the agreement, Gresham would not withdraw portions of the District on a piecemeal basis as annexations occurred, but would delay withdrawal until the City's annexation program had been completed, at which time the entire portion of the District annexed into Gresham would be withdrawn. This agreement was executed to allow for a more cost-effective withdrawal of territory, employees and assets, and to minimize any problems associated with a piecemeal withdrawal.

Anticipating a future withdrawal and merger of the two water systems, the City of Gresham has since 1984 begun planning for and implementing improvements to its infrastructure to intertie the two systems, and to provide for future water storage capacity to alleviate present deficiencies. These improvements will be discussed later in this letter.

Exhibit B is a map of the City of Gresham. The map also indicates the proposed boundaries of the Rockwood PUD which overlap City limits. As the map indicates, the proposed PUD would encompass approximately forty percent of the total land area of the City.

Gresham's concerns over a proposed PUD within its City limits are centered around four significant issues: 1) Rockwood's deficiencies in its infrastructure; 2) the proposed PUD's financial ability to provide;

Gladys McCoy, Chair
Board of County Commissioners
November 21, 1989
Page 2

service and correct its system deficiencies over a long-term period; 3) the withdrawal agreement reached more than five years ago, and the City's investment of thousands of dollars to implement that agreement, and 4) the potential negative impact in the provision of future water service to undeveloped land, and the consequent negative impact on future economic development opportunities.

SYSTEM DEFICIENCIES

In 1986, Gresham contracted with the engineering firm of CH2M Hill to update the City's Water Master Plan. (Excerpts of that master plan are attached as Exhibit C.) As part of the contract, CH2M Hill was directed to analyze the system deficiencies of that part of the Rockwood Water District to be withdrawn by the City, and to provide a cost estimate for the upgrading of those deficiencies.

As Exhibit C indicates, the Master Plan identified a number of deficiencies in Rockwood's system. These deficiencies include a shortfall in storage capacity for emergency water distribution, undersized transmission mains in some parts of the Rockwood system, and deteriorating and undersized residential lines in localized areas which could adversely affect fire flows.

Based upon the CH2M Hill study, Gresham staff began planning for the future improvements of the Rockwood system to address the deficiencies. Over \$13 million in improvements tied to the Rockwood system have been identified over a ten-year period. These improvements are detailed in Exhibit D.

Storage capacity. As Exhibit E indicates, the Rockwood Water District is expected to need between 21 million and 22.6 million gallons of storage by the year 2005 to meet its contractual requirements with the City of Portland, from whom Rockwood purchases its water. Exhibit E also notes that the District needs between 16.6 million and 17.4 million gallons of storage in 1990. The District's system presently can provide only 8.5 million gallons of storage. These estimates are slightly lower than an estimate provided in 1975 by then District Manager Harold Fisher, detailed in Exhibit G, which indicated that the District would need 23 million gallons and 30 million gallons of storage by 1980 and 2000, respectively.

We have been informed that Rockwood has recently purchased additional storage capacity from the Powell Valley Water District in an effort to address its storage shortfall. However, the additional storage will not meet the proposed PUD's ultimate needs.

Gresham's water storage capacity is also presently undersized. However, as Exhibit F indicates, the completion of a ten million gallon reservoir now under construction will accommodate the needs of the system until the year 2000.

Substandard transmission mains and residential lines. As Exhibit C notes, the Rockwood system is in need of substantial upgrade to its main transmission lines and substandard residential lines. The deficiency in residential lines is particularly vexing, as these lines will not deliver enough water to adequately fight a structural fire. The City requires residential water lines to be either six or eight inches in diameter; four-inch residential lines are considered to be substandard.

FINANCIAL CAPABILITY

The deficiencies in the Rockwood Water District would not be of as much concern to the City if the District would plan for the upgrade of those deficiencies. Unfortunately, the District appears to have neither the resources nor the intent to fix these deficiencies.

In early 1989, the City contacted Rockwood to request copies of the District's latest master plan, rate study, and capital improvement program. In a letter from the District Manager (Exhibit H), Rockwood indicated that the latest rate study had been performed in 1976, that there was no master plan in existence, and that, anticipating a phaseout of the District, there was only a two-year CIP.

Subsequently, the District prepared a five-year CIP; that document is attached as Exhibit I. The five-year CIP allots between \$650,000 and \$750,000 per year to long-term infrastructure improvements; in contrast, Gresham budgets more than \$2 million annually for the upgrading of its system. It appears clear from the district's CIP that not enough is being done to address the deficiencies and plan for a long-term provision of service to its customers.

Further, Gresham financial staff analyzed Gresham's and Rockwood's water systems in March to determine the relative financial positions of the two systems (Exhibit J). The study found that Rockwood does not have the financial resources to carry out a significant upgrade of the magnitude suggested by the master plan. The analysis shows that Gresham's fund equity is approximately seventy percent more than Rockwood's, and that Gresham's available resources for capital construction is more than three times that of Rockwood. Considering that the two systems are of comparable size, the analysis concludes that, "without increasing their revenues, Rockwood will not have the resources to maintain its system at the level we (Gresham) are maintaining ours".

GRESHAM'S FINANCIAL INVESTMENT

Since the 1984 agreement, the City has begun the capital planning and investment process necessary to integrate the two water systems. This integration involves, among other projects, the construction of a ten million gallon reservoir needed to furnish storage capacity to the

system, at an estimated cost of \$6 million. (A significant portion of the reservoir's capacity is being built to meet Rockwood's shortfall in storage capacity.) Additional projects include modifications to metering stations, installation of pressure reducing stations, an update of the master plan, oversizing of extant water lines, and extensions of major transmission mains. Gresham anticipates spending more than \$10.3 million over a seven-year period in projects which will benefit the Rockwood system (Exhibit K).

These capital improvements have been planned as part of an overall strategy to incorporate the two water systems into one. If a PUD is allowed to form, the investment already made will have to be borne by the customers of the Gresham water system, and future improvements will be the responsibility of Rockwood PUD customers at a substantially higher cost than originally contemplated.

IMPACT ON ECONOMIC DEVELOPMENT

The presence of two water systems within the City has some adverse impacts on the ability of the City to upgrade its infrastructure to promote economic development. As the map (Exhibit B) indicates, a PUD as proposed would have serious impacts upon the future development of the City's industrial area to the north. Water service is critical to the development of new industry, and the existence of a special water provider will lead to some uncertainty as to the PUD's ability to provide a sufficient supply. Further, it is in the City's interest to have all necessary services under its control, so that the economic development process can be better carried out. A separate service district is entirely outside the City's control, and inhibits it from making the necessary investment to achieve its economic development objectives.

LEGAL ISSUES

In addition to the historical, technical and financial issues, there appear to be several legal issues which could impact the formation of a PUD. First, our City Attorney has advised us that it is not legal to include a portion of a municipality within the "affected territory" of a PUD without the consent of the City Council. The Gresham City Council has not "consented" to the inclusion of a portion of the municipality within the affected territory of the proposed Rockwood Water PUD. Further, ORS 261.030 provides that a PUD may not "interfere with or exercise any control over any existing utility owned and operated by any ...municipality in the district unless by consent of the ...city council." The proposed Rockwood Water PUD violates this section because Gresham operates a water utility and the Gresham City Council has not consented to the interference.


In summary, the City of Gresham has serious concerns about the feasibility of the proposed PUD, and believes that the customers of the proposed PUD will be better served in the future by a transition

Gladys McCoy, Chair
Board of County Commissioners
November 21, 1989
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into the Gresham system. The City of Gresham has demonstrated its ability to adequately plan for and fund needed improvements to the system; the Rockwood Water District and, by inference, a proposed PUD has not demonstrated that ability.

If the County Commission has any additional questions, or needs any more information prior to issuing its findings, please let me know. I appreciate the opportunity to address you tonight.

Sincerely,



F. WALLACE DOUTHWAITE
City Manager

FWD:sbe

Attachments

EXHIBITS

EXHIBIT A.	1984 Gresham-Rockwood Withdrawal Agreement
EXHIBIT B.	Map of Gresham/Rockwood Service Areas
EXHIBIT C.	Gresham Water Master Plan Excerpts
EXHIBIT D.	10-year Needs Assessment - Rockwood Service Area
EXHIBIT E.	Rockwood Future Storage Requirements
EXHIBIT F.	Gresham Future Storage Requirements
EXHIBIT G.	1975 Summary of Rockwood Storage Requirements
EXHIBIT H.	Letter from Rockwood Manager - Future Planning Efforts
EXHIBIT I.	Rockwood Five-year CIP
EXHIBIT J.	Financial Background - Rockwood/Gresham Systems
EXHIBIT K.	Gresham's CIP to Address Rockwood Deficiencies

**Agreement Between Rockwood Water
District and the City of Gresham**

Exhibit A

U1 15 03 12:13 CITY OF GRESHAM DUS DDT 0100

AGREEMENT

Snyffert/Walker
5-0
(Hutchell)
Scott
alson

This agreement is between the CITY OF GRESHAM, an Oregon Municipal Corporation (City) and the ROCKWOOD WATER DISTRICT, an Oregon Municipal Corporation (District).

RECITALS

A. This agreement is executed under the authority of ORS chapter 190.

B. The City has a legal duty to coordinate its consideration of annexations with the other affected governmental entities. This agreement is the result of coordination efforts by the City with the District.

C. The City has a policy of allowing requested annexations to its corporate limits of property located in the District.

D. The District supports the concept that citizens may select for themselves whether they wish to be annexed to the City.

E. The City and the District are committed to providing a continued supply of fresh water to District customers.

F. The District realizes that if annexation occurs it is in the best interest of employees and customers to have entered into an agreement with City.

G. Both the City and the District are committed to the withdrawal of District water services in a planned, orderly, and cost effective manner after annexation to the City.

H. Both the City and the District intend that withdrawal will not occur until all City annexations in the District's areas have been approved by the Boundary Commission, unless the District agrees to an earlier withdrawal.

THE CITY AND DISTRICT AGREE

1. Effective Date This agreement shall commence on March 22, 1984, and shall continue in effect until June 30, 1989, or until City and District agree to written amendments.

2. Obligations of District

A. The District agrees to provide fresh water services to any property annexed to the City that, as of July 1, 1983, was within the boundaries of the District. Such services shall be the same as those offered to customers residing within the boundaries of the District.

B. The District further agrees to coordinate and assist the City in resolving any special service problems that may exist following any annexation. The District further agrees to contract with the City to provide service to areas north and adjacent to District boundaries but within City boundaries. The costs of such services will be recovered by the District from either such customers or the City.

3. Obligations of City

A. The City agrees not to withdraw services from annexed areas until after providing the District with at least six months written notice, and to make such withdrawals effective on the first day of any fiscal year, July 1st.

B. The City agrees to forward any District water system development charges and other water permit or fees levied against customers in annexed but unwithdrawn areas to the District.

C. Upon withdrawal the City agrees to provide permanent full-time employment to the District employees displaced by the withdrawal. Such employment transfer will be made in accordance with ORS Chapter 236. However, the City agrees to place transferred employees in positions comparable to the positions they held with the District. The determination of which employee(s) will be transferred will be made as follows:

- 1) The District will decide which position(s) are no longer needed at least three months prior to withdrawal.
- 2) The District will ask individual employees if they wish to accept a transfer to the City.

4. Joint Obligations

A. Upon withdrawal the City and the District agree to make an equitable division and disposal of assets in accordance with ORS chapter 222.

B. The City and the District agree that if the City is not satisfied with the property division made by the District under ORS 222.540, or if, within 30 days from the effective date of the withdrawal, the District has failed to make a division, City may request arbitration as provided in paragraph 5 of this agreement.

C. The City and the District agree that ORS 222.550 shall apply when the City has withdrawn the greater portion of the District measured by the comparative assessed valuations of the portion withdrawn and the portion of the City's urban service boundary remaining in the District.

5. Arbitration

All claims and disputes regarding this agreement shall be arbitrated in conformance with the rules and procedures of the American Arbitration Association upon the written request of either party. An arbitrator shall be selected within 15 days of such request, and the arbitrator's decision shall be issued within 60 days of selection.

6. Attorney's Fees

In the event of any arbitration or legal action brought by either party against the other to enforce this agreement or arising from any dispute concerning this agreement, the losing party shall pay the prevailing party's costs and expenses, including attorney's fees in such arbitration or action, and any appeal therefrom as may be set by the court or the arbitrator.

ROCKWOOD WATER DISTRICT

By: Charles Root
Charles Root, Manager

Dated: 3/20/84

By: Michael Weatherly

Dated: March 29, 1984

CITY OF GRESHAM

By: Margaret Weil
Margaret Weil, Mayor

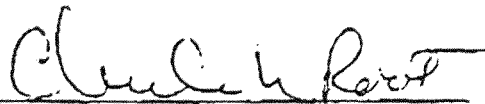
Dated: 3/22/84

By: James R. Keller
James R. Keller, City

Dated: 3/22/84

ADDENDUM TO AGREEMENT

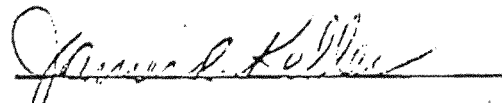
This annexation includes the Rockwood Water District Headquarters and Facilities required to conduct business and provide services to the customers of Rockwood Water District. If at any time withdrawal is requested, Rockwood would request and Gresham would agree to exclusion of the property until total dissolution of the District.



Charles L. Root
Acting District Manager
Rockwood Water District

3/30/84

Date



James R. Keller
City Manager
City of Gresham

3/30/84

Date

Map: Gresham & Rockwood Service Areas

Exhibit B

Water System Master Plan

Exhibit C

WATER SYSTEM MASTER PLAN



CHM HILL

MAY 1986

Section 1 INTRODUCTION

CREDITS

CH2M HILL is appreciative, and would like to thank everyone, for all the help provided by the City of Gresham and the Rockwood Water District staffs in gathering data and critiquing the master planning effort as the project developed.

AUTHORIZATION

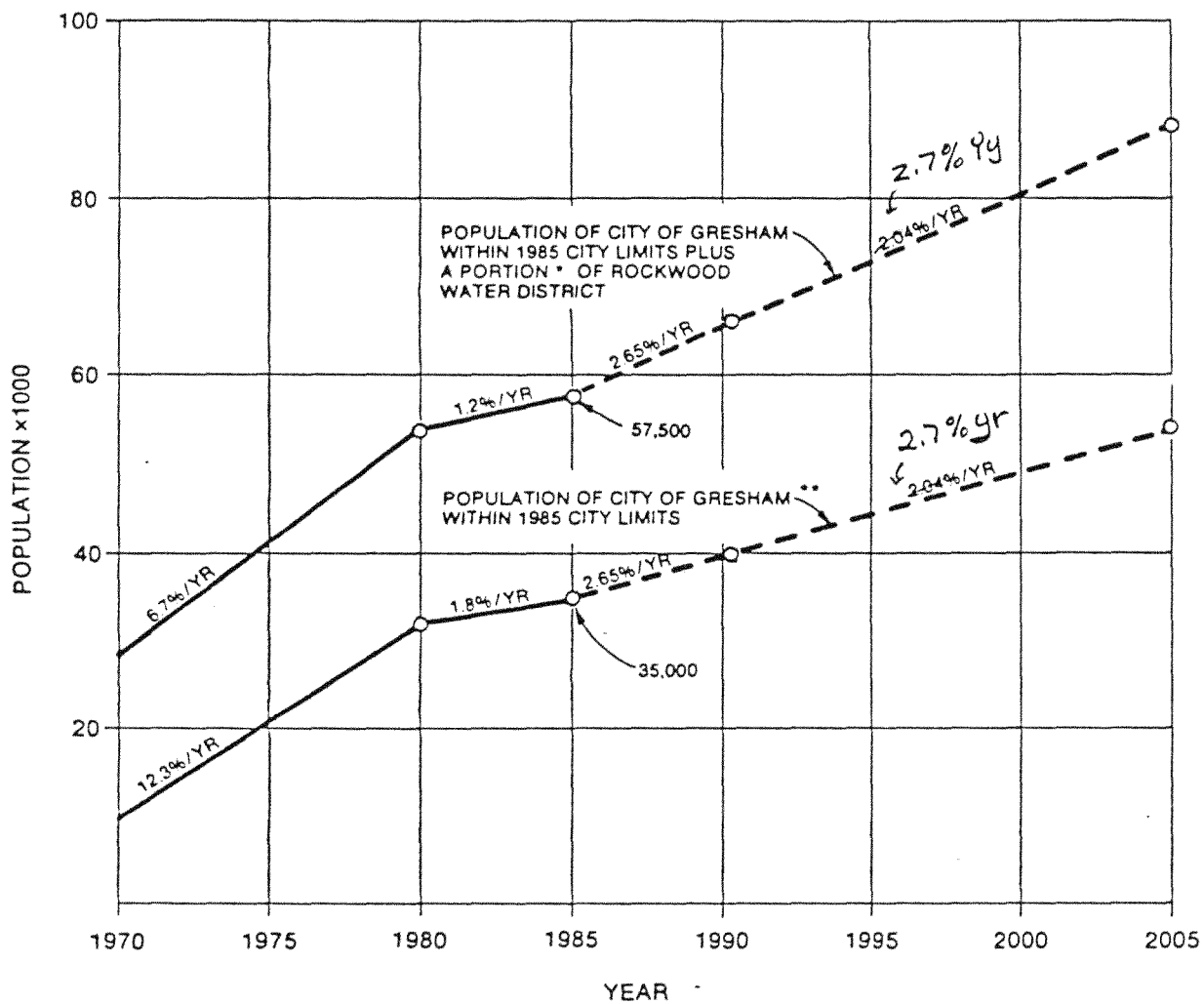
A Consulting Services Agreement to prepare a Water System Master Plan was authorized by the City of Gresham on November 12, 1985. This plan was prepared in accordance with the scope outlined in the Agreement.

PURPOSE

The purpose of this study is to provide the City of Gresham (COG) with a Water System Master Plan. This study is an update and will be a replacement for the Water System Master Plan (dated April 1983) prepared for the City by CH2M HILL. The Master Plan, which will serve as the principal working document for water demand planning, primarily addresses methods for providing quality water service to the residents of the City of Gresham. The plan itself is conceptual in nature and should be considered a general guide.

COMPREHENSIVE PLAN

Gresham's Comprehensive Plan, adopted in 1980, identifies a land development process and requires the City to effectively plan, program, and budget capital improvements. Volume 2 of



* AREA OF ROCKWOOD WATER DISTRICT WHICH MAY BE ANNEXED BY CITY OF GRESHAM IN THE FUTURE (INSIDE GUSA)

** GRESHAM WATER CUSTOMERS WHO ARE WITHIN CITY LIMITS

FIGURE 2-1
POPULATION PROJECTION

system will require improved transmission and distribution to this area in order to provide adequate service.

- A distribution pipeline weakness in the Gresham system presently exists in southwest Gresham. City of Gresham staff said when the 20-inch pipeline on Eastman Avenue is out of service, the quantity of water needed to meet the demand of southwest Gresham is limited by flow through a 6- and 8-inch pipeline section on S.W. Florence Avenue and Florence Court.

Rockwood Water District. The computer analysis of the RWD area inside the GUSA only modeled looped transmission pipelines of 8-inch diameter and larger. This portion of the RWD system was found to be well looped and generally strong, but with the following weaknesses:

- The majority of the water to meet the system demand enters the RWD system through the Cleveland Street master meter connection to the Portland Water Bureau's Bull Run Conduit No. 4. During maximum day and peak hour demand periods, the velocity in the 14-inch pipeline will become quite high (over 8 fps) as industrial development of the Fujitsu site comes on line.
- The transmission capability of the RWD is limited by a 4-inch diameter pipeline along 202nd Avenue between the master meter taps on S.E. Division Street (near Grant Butte) and N.E. Glisan Street.
- The north/south transmission capability of the pipeline on S.E. 181st Avenue could be improved by a larger size pipeline between East Burnside Street and N.E. Glisan Street.

- The majority of the RWD storage (inside the GUSA) is ground level, and the water requires pumping to be delivered into the water system. -- No backup power source is currently available for the reservoir booster pump stations. The RWD's elevated storage inside the GUSA is either out of service indefinitely, or it has an overflow elevation considerably lower than the hydraulic grade line of the adjacent distribution pipelines. Thus, these reservoirs are of minimal operational value.
- The RWD distribution system contains some undersized (less than 6" diameter) and O.D. steel pipelines. The small pipelines, where they are looped into the system, could limit domestic and fire flows in localized areas. Older O.D. steel pipelines in water systems in Oregon have been found to be sources of water loss because of pipeline leaks.
- Although fire hydrants have been added to the RWD system as part of an ongoing program, there are still areas where more hydrants should be installed to bring the spacing up to industry standards.

Appendix D
GRESHAM/RWD MAJOR IMPROVEMENTS

The City of Gresham has annexed a portion of the Rockwood Water District (RWD) east from S.E. 162nd Avenue to S.E. 202nd Avenue and north from N.E. Halsey Street to the Columbia River. This area is currently served by the RWD and contains major RWD facilities including the RWD office and shops, a 5-mg reservoir, two wells, and a pump station.

It is the policy of the City to provide water service to residents inside the City limits whenever possible. An evaluation was made of system improvements that would be required to serve future growth, new pressure zones, and facility transfer to the City.

The estimated project cost for the major system improvement to serve current and future customers in this area would include the following:

- 5,400 feet of 16-inch pipeline along N.E. Halsey Street between S.E. 181st Avenue and N.E. 202nd Avenue (\$415,000) (Pressure Zone Transition).
- 2,100 feet of 16-inch pipeline along N.E. 201st Avenue from N.E. Halsey Street to the Banfield Freeway (\$160,000).
- 1,500 feet of 18-inch pipeline along San Rafael Street from 196th Avenue to 201st Avenue (\$130,000).
- 2,200 feet of 16-inch pipeline along Sandy Blvd. between 188th and 197th Avenue (\$170,000).

- 2,000 feet of 16-inch pipeline along 181st Avenue from Wilkes Road to Sandy Blvd (\$155,000).
- 1,200 feet of 18-inch pipeline along Sandy Blvd. between 181st Avenue and 185th Avenue (\$100,000).
- 3,300 feet of 16-inch pipeline along 201st between Sandy Blvd. and Interlachen Lane (\$255,000).
- 3,900 feet of 12-inch pipeline south of Marine Drive between 185th Avenue and Interlachen Lane (\$240,000).
- 3,500 feet of 16-inch pipeline along Sandy Blvd. between 166th Avenue and 181st Avenue (\$270,000).
- 2,100 feet of 16-inch pipeline along N.E. 169th Avenue from Wilkes Road to Sandy Blvd (\$160,000).
- 4,000 feet of 12-inch pipeline along Marine Drive and Interlachen Lane between 185th Avenue and 201st Avenue (\$250,000).
- 3 PRVs at interties to area served by RWD's Cascade Reservoir (overflow 260 ft.). Interties on 181st Avenue and 201st Avenue near Banfield Freeway (\$60,000).

The above cost estimates are in 1986 dollars and will need to be adjusted over time.

For the purpose of this study, the majority of the improvements have been projected for construction during 1991-1996. These projects should be reviewed annually, expediting those

projects necessary to achieve the City's growth, needs and objectives. These improvements are shown in Figures 5-3 and 6-1.

10-Yr. Needs Assessment Rockwood Service Area

Exhibit D

	A	B	C	D	E	F	G	H	I	J	K	L	M
1							ROCKWOOD WATER DISTRICT						
2							REVISED CAPITAL IMPROVEMENT PROGRAM						
3							WATER SYSTEM PROJECTS						
4							10 YEAR - CIP						
5													
6			THE FOLLOWING ANALYSIS REFLECTS ESTIMATE FOOTAGES OF PIPE LINES BY YEAR & UTILIZES CH2M-HILLS 1986 CONSTR. COST ESTIMATE [adjusted].										
7			THIS ANALYSIS ASSUMES ALL 3/4" SERVICES WILL BE REPLACED DURING CONSTRUCTION & REQUIRED HYDRANTS INSTALLED.										
8			ALSO ASSUMES PORTLAND HAS WITHDRAWN ALL WATER FACILITIES FROM ROCKWOOD W.D. IN ANNEXED AREAS.										
9													
10			PARAMETERS OF ANALYSIS:		1. 1989 & 90 ADJ. INSTALLATION COST PER L. FOOT								
11						8" DI	\$50	ESTIMATES ASSUME IMPORTED BACKFILL, REQUIRED PAVEMENT,					
12						10" DI	\$57						
13						12" DI	\$67						
14						16" DI	\$83						
15						18" DI	\$92						
16						2. SERVICE REPLACEMENT ASSUMES INSTALLING 2 NEW 3/4" SERVICES PER 80 LF OF PIPE INSTALLED							
17						3. INSTALLATION ESTIMATE COST (\$250./ SERVICE), LARGER SERVICES SHOULD BE							
18						INDIVIDUALLY ESTIMATED							
19						4. MUELLER 6" FIRE HYDRANT ASSEMBLY INSTALLED AT 700 FT. SPACING (\$2,000./ UNIT)							
20													
21				RWD	DUCTILE	PIPE	10 YEAR			CIP			
22		PROJECT DESCRIPTIONS		CIP	IRON	LENGTH	RECOMM.			BUDGET YEAR			REMARKS
23				NUMBER	PIPE SIZE	LIN. FEET	BUDGET	1989/90	1990/91	1991/92	1992/93	1993/94	
24	1	GRANT BUTTE 11 MG RESERVOIR	NEW	20"	3000	\$6,000,000	\$0	\$3,300,000	\$2,600,000	\$100,000	\$0		2 1/2 YR. PROJ.
25													
26	2	PORTLAND W. B. METERING STATION	NEW	NA	NA	\$150,000	\$50,000	\$50,000	\$50,000	\$0	\$0		UP-GRADE &
27		MODIFICATIONS											MODERNIZE
28													
29	3	PRESSURE REDUCING STATIONS	NEW			\$100,000	\$0	\$0	\$0	\$50,000	\$50,000		TWO P. ZONES
30													
31	4	WELLFIELD CL2 & DETENTION	NEW	24"	2,200	\$400,000	\$0	\$400,000	\$0	\$0	\$0		ABANDON WELLS
32		FACILITIES INSTALLATION											OR TREAT
33													
34	5	WATER SYSTEM AERIAL MAPPING	NEW	NA	NA	\$100,000	\$70,000	\$30,000	\$0	\$0	\$0		MAPPING UPDATE
35		& DATABASE DEVELOPMENT											
36													
37	6	WATER RATES ANALYSIS &	NEW	NA	NA	\$120,000	\$0	\$60,000	\$0	\$0	\$20,000		3 STUDIES
38		COST OF SERVICE STUDY											
39													
40	7	WATER MASTER STUDY		NA	NA	\$120,000	\$0	\$50,000	\$0	\$0	\$0		2 STUDIES
41													
42	8	WATER TELEMETY SYSTEM ANALYSIS		NA	NA	\$50,000	\$0	\$50,000	\$0	\$0	\$0		OPR. STUDY
43		MINOR MODIFICATIONS				\$60,000	\$0	\$0	\$20,000		\$20,000		IMPROVEMENTS
44													
45	9	TWO EMERGENCY POWER STATIONS			2	\$200,000			\$100,000		\$100,000		RESERV. SITES
46													
47	10	MAJOR WATER REPLACEMENTS		NA	NA	\$2,500,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000		LEAKS/SIZE
48													

	B	C	D	E	F	G	H	I	J	K	L	M
49			RWD	DUCTILE	PIPE	10 YEAR			CIP			
50		PROJECT DESCRIPTIONS	CIP	IRON	LENGTH	RECOMM.			BUDGET YEAR			REMARKS
51			NUMBER	PIPE SIZE	LIN. FEET	BUDGET	1989/90	1990/91	1991/92	1992/93	1993/94	
52												
53	11	NE 212ND AVE. (CLAY/STARK)		12"	3,300	\$221,000	\$0	\$0	\$0	\$221,000	\$0	TRANSM.
54												
55	12	SE DIVISION ST (SE 199TH/202AVE.)		16"	1,000	\$83,000	\$83,000	\$0	\$0	\$0	\$0	SIZE
56												
57	13	NE HALSEY (NE 181ST/201ST)	NEW	16"	5,500	\$457,000	\$0	\$0	\$0	\$0	\$0	1995/96
58												
59	14	STARK ST. (NE 223RD ST/HOGAN DR.)		12"	3300	\$221,000	\$221,000	\$0	\$0	\$0	\$0	CO. ST. PROJECT
60												
61	15	SE 223RD AVE. (STARK/GLISAN)		16"	3,300	\$274,000	\$274,000	\$0	\$0	\$0	\$0	CO. ST. PROJECT
62												
63	16	CDBG PROJECTS 4RD YEAR	NA			NA	\$0	\$0	\$0	\$0	\$0	FED. GRANT
64												NOT AVAILABLE
65	17	CDBG PROJECTS 5TH YEAR	NA			NA	\$0	\$0	\$0	\$0	\$0	TO RWD
66												
67												
68	18	SAN RAFAEL (194TH/201ST)		10"/18"	1,800	\$266,000	\$0	\$0	\$0	\$266,000	\$0	TRANSM. LOOP
69												
70	19	176TH ST (DIV. / STARK)		12"	5,400	\$362,000	\$0	\$0	\$0	\$0	\$0	TRANSM.
71												
72												
73	20	181ST ST (BURNSIDE / GLISAN)		20"	1600	\$160,000	\$0	\$0	\$0	\$0	\$160,000	TRANSM.
74												
75	21	NE 202ND AVE (DIV. ST/GLISAN ST.)		12"	8300	\$689,000	\$0	\$0	\$289,000	\$400,000	\$0	SIZE/TRANSM.
76												
77	22	NE 242ND AVE (STARK/GLISAN)		12"	3,200	\$215,000	\$0	\$0	\$0	\$0	\$215,000	CO. ST. PROJECT
78		GLISAN ST. (HOGAN AVE. WEST)		12"	2,200	\$147,000	\$0	\$0	\$0	\$0	\$0	1994/95
79												
80	23	NE 201ST AVE (NE HALSEY / I-84)		16"	2,400	\$199,000	\$0	\$0	\$0	\$0	\$0	TRANSM.
81												
82	24	CLINTON ST. (185TH/188TH)	NEW	12"	1,200	\$80,000	\$0	\$0	\$0	\$0	\$0	SIZE/TRANSM.
83												
84	25	DIVISION ST. (176TH/182ND)	NEW	12"	1,700	\$114,000	\$0	\$0	\$0	\$0	\$0	TRANSM.
85												
86		SUBTOTAL			49,402	\$13,288,000	\$948,000	\$4,190,000	\$3,309,000	\$1,287,000	\$815,000	
87												
88	I	NORTH GRESHAM (HWY #84 NORTH)		12"/16"	23,000	\$1,909,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	ANNUAL COST
89												
90		GRAND TOTAL CONSTR. BUDGET			72,402	\$15,197,000	\$1,148,000	\$4,390,000	\$3,509,000	\$1,487,000	\$1,015,000	LINES & TANKS
91												
92												
93												

Rockwood Water District Future Storage Requirements

Exhibit E

ROCKWOOD WATER DISTRICT

REVISED RESERVOIR REQUIREMENT & POPULATION PROJECTIONS
(WITHIN THE GUSA & WITH FUJITSU)

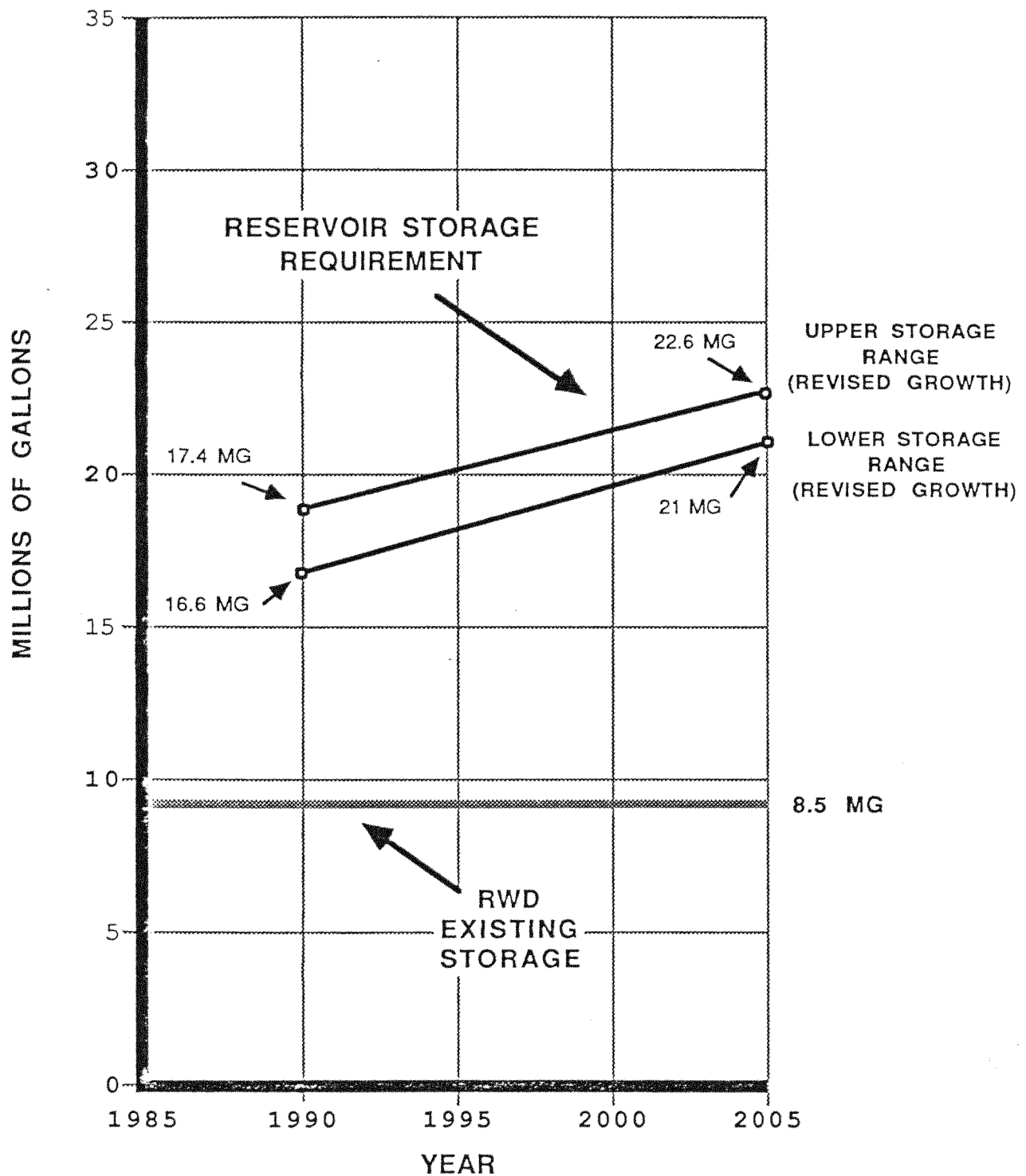
TIME PERIOD	MASTER STUDY PROJECTIONS 2.65%/YR & 2%/YR	% INCREASE	ACTUAL GROWTH BASED ON METER SETS AND ORDERS	% INCREASE	REMARKS
DEC. 31, 1985	22,500	-	22,500		1986 MASTER WATER STUDY
1985/86	22,798	1.30%	NA		
1986/87	23,402	2.65%	NA		
1987/88	24,022	2.65%	NA		
1988/89	24,659	2.65%	NA		
1989/90	25,312	2.65%	NA		
DEC. 31, 1990	25,648	1.30%	25,648		1986 WATER STUDY PROJECTIONS
DEC. 31, 2005	34,727	35.40%	38,215	49%	NEW POPULATION INCR. PROJECTIONS 2.7 %/YEAR

ROCKWOOD WATER DISTRICT WITH FUJITSU
RECOMMENDED STORAGE RANGE REQUIREMENTS
BASED ON PROJECTED OR ACTUAL POPULATION

RESERVOIR STORAGE RANGE REQUIREMENT	MASTER WATER STUDY STORAGE SIZE PROJECTION	STORAGE SIZING REFLECTS PROJECTED GROWTH OF 2.7% FOR 1990-ON & FIRE FLOWS OF 7,500 GPM FOR 4 HOURS	REMARKS
DEC. 31, 1990			
METHOD 1	16.6 MG	NA	MIN. STORAGE REQUIREMENTS-BASED ON 3 DAY DEMAND (MAX DAY + AVE. DAY) DEMAND+FIRE FLOW REQUIREMENTS
STORAGE RANGE METHOD 2	17.4 MG	NA	
DEC. 31, 2005			
METHOD 1	19.7 MG	21 MG	MIN. STORAGE REQUIREMENTS-BASED ON 3 DAY DEMAND (MAX DAY + AVE. DAY) DEMAND+FIRE FLOW REQUIREMENTS
STORAGE RANGE METHOD 2	21.1 MG	22.6 MG	

NOTE : RWD'S PRESENT RESERVOIR STORAGE IS 8.5 MG WITH
NO ADDITIONAL STORAGE CAPACITY IS PROJECTED OR SCHEDULED

ROCKWOOD WATER DISTRICT SERVICE AREA REVISED STORAGE REQUIREMENTS (within GUSA, including Fujitsu)



Existing storage capacity
Projected storage requirements - Based on actual growth

CITY OF GRESHAM

Gresham Future Storage Requirements

Exhibit F

CITY OF GRESHAM

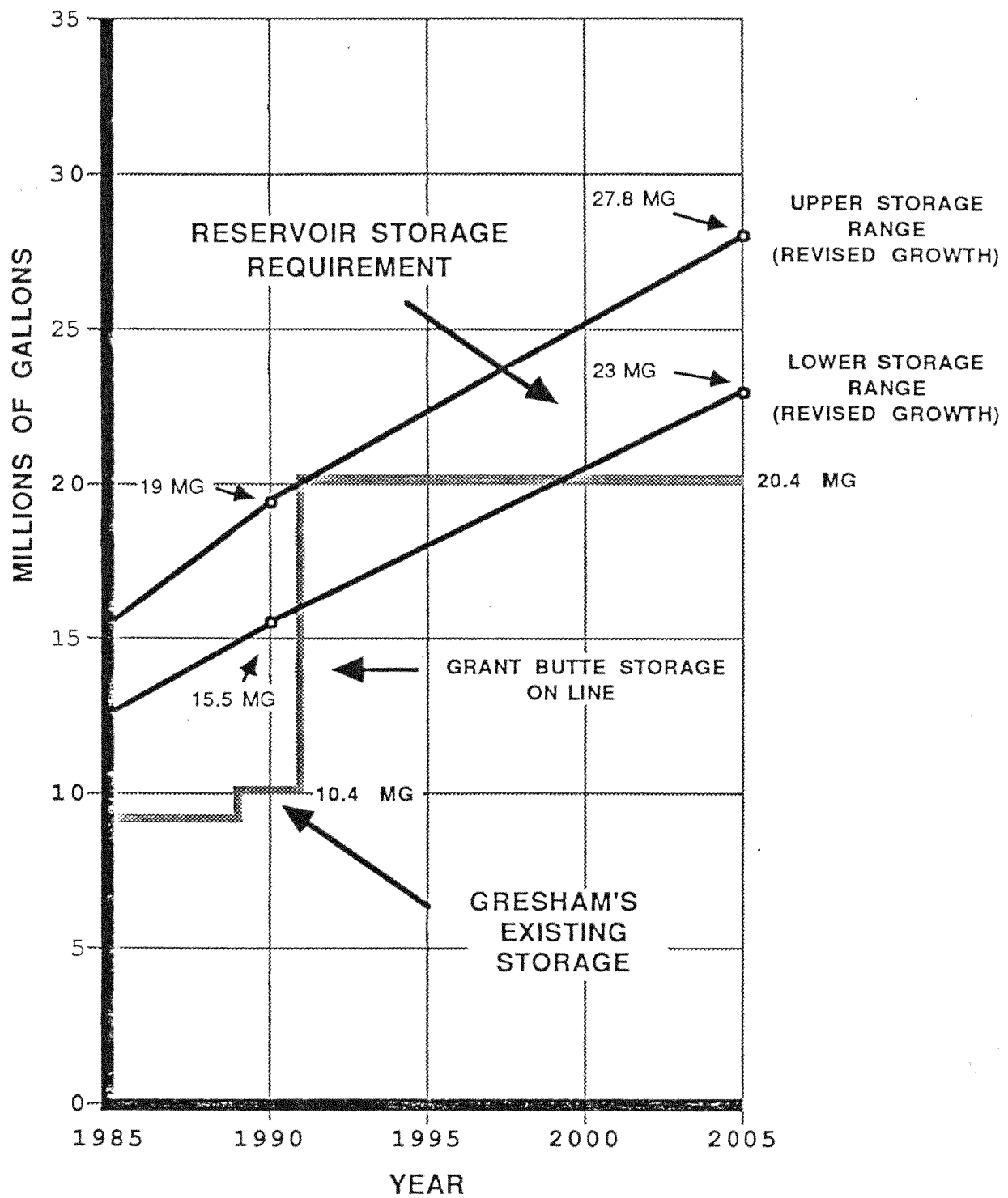
REVISED RESERVOIR REQUIREMENT & POPULATION GROWTH
SEPT. 26, 1989

TIME PERIOD	MASTER STUDY PROJECTIONS 2.65%/YR	% INCREASE	ACTUAL GROWTH BASED ON METER SETS AND ORDERS	% INCREASE	REMARKS
DEC. 31, 1985	35,000	-	35,000	-	1986 MASTER WATER STUDY
1985/86	35,464	1.30%	35,464	1%	
1986/87	36,404	2.65%	36,364	3%	
1987/88	37,368	2.65%	37,594	3%	
1988/89	38,358	2.65%	38,534	3%	
1989/90	39,375	2.65%	42,384	10%	HIGH MULT. FAMILY UNIT DEVELOPMENT
DEC. 31, 1990	39,897	1.30%	43,655	3%	CONTINUED MULT. FAMILY DEVELOPMENT
DEC. 31, 2005	54,013	35.40%	65,101	49%	NEW POPULATION INCR. PROJECTIONS 2.7 %/YEAR

RECOMMENDED STORAGE RANGE REQUIREMENTS
BASED ON PROJECTED OR ACTUAL POPULATION

RESERVOIR STORAGE RANGE REQUIREMENT	MASTER WATER STUDY STORAGE SIZE PROJECTION	ACTUAL GROWTH BASED ON METER SETS AND METER ORDERS STORAGE SIZE	REMARKS
DEC. 31, 1990	14.0 MG	15.5 MG	MIN. STORAGE REQUIREMENTS-BASED ON 3 DAY DEMAND (MAX DAY + AVE. DAY) DEMAND+FIRE FLOW REQUIREMENTS
METHOD 1 STORAGE RANGE METHOD 2			
	17.5 MG	19.0 MG	
DEC. 31, 2005	19.0 MG	23.0 MG	MIN. STORAGE REQUIREMENTS-BASED ON 3 DAY DEMAND (MAX DAY + AVE. DAY) DEMAND+FIRE FLOW REQUIREMENTS
METHOD 1 STORAGE RANGE METHOD 2			
	23.3 MG	27.8 MG	

CITY OF GRESHAM SERVICE AREA REVISED STORAGE REQUIREMENTS

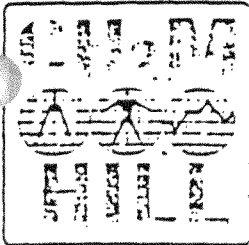


Existing storage capacity
Projected storage requirements - Based on actual growth

CITY OF GRESHAM

Summary: RWD Future Storage Requirements

Exhibit G



CORNELL, HOWLAND, HAYES & MERRYFIELD
200 S.W. Market, 12th Floor, Portland, Oregon 97201
Telephone: (503) 224-9190, TWX: 910-464-4720, Cable: CH2MHILL

Portland Regional Office

13 January 1975

P8146.0

Rockwood Water District
18302 S.E. Stark
Portland, Oregon 97233

Attention: Mr. Harold Fisher, Manager

Gentlemen:

Subject: Reservoir Sites for
Rockwood Water District

Enclosed with this letter are 12 figures that project water demands and reservoir requirements for the Rockwood Water District. Figure No. 1 projects the water consumptions and storage requirements for four water districts in East Multnomah County and Figures No. 2 through No. 12 depict reservoir layouts on two reservoir sites (195th and N.E. Halsey and the west side of Grant Butte) and a proposed sequence of construction.

Figure No. 1 shows the projected maximum day demands, storage requirements, and storage deficiencies within four (Rockwood, Parkrose, Hazelwood, and Richland) water districts in East Multnomah County. You can see that without additional construction all four water districts are now or will be deficient in water storage by 1980. We have also predicted the year 2000 reservoir storage requirements.

Using the reservoir predictions for the year 2000 on Figure No. 1, reservoir layouts are shown on Figures No. 2 through No. 12 which depict a construction sequence that will satisfy the storage requirements for your district. You should realize that the construction projects shown on the attached

Rockwood Water District

Page 2

13 January 1975

P8146.0

figures are not all required now; however, to properly phase your construction program to meet the existing and future needs of Rockwood Water District, we suggest that planning be started now to acquire the necessary property for all of the proposed reservoirs.

If you have any questions or would like additional information, please call.

Very truly yours,

Michael D. Larkin

Michael D. Larkin

la

Enclosures

FIGURES

Figure Number

- 1 Projected Maximum Day Demands, Storage Requirements, and Storage Deficiency for Four Water Districts in East Multnomah County
- 2 Low Level Well and Reservoir Site on Halsey Street
- 3 Grant Butte Reservoir Site with Proposed Development of 3 - 10 MG Reservoirs (Rockwood W.D.) and 1 - 5 MG Reservoir (City of Gresham)
- 4 Grant Butte Reservoir Site with 1 - 10 MG Reservoir Under Construction
- 5 Grant Butte Reservoir Site with 1 - 10 MG Reservoir In Service
- 6 Grant Butte Reservoir Site with 1 - 10 MG Reservoir In Service and 1 - 10 MG Reservoir Under Construction
- 7 Grant Butte Reservoir Site with 2 - 10 MG Reservoirs In Service
- 8 Grant Butte Reservoir Site with 2 - 10 MG Reservoirs In Service and 1 - 10 MG Reservoir Under Construction
- 9 Grant Butte Reservoir Site with 3 - 10 MG Reservoirs In Service
- 10 Cross-Section No. 1 Through First 10 MG Reservoir
- 11 Cross-Section No. 2 Through Second 10 MG Reservoir
- 12 Cross-Section No. 3 Through Third 10 MG Reservoir

Figure 1

PROJECTED MAXIMUM DAY DEMANDS

Water Dist.	1980			2000		
	Estimated Population	Per Capita Demand	System Demand	Estimated Population	Per Capita Demand	System Demand
Rockwood	39,000 ¹	(425 gpcd) ⁴	17 mgd	43,000 ¹	(500 gpcd) ⁴	22 mgd
Parkrose	15,000 ²	430 gpcd ² (425 gpcd) ⁴	6 mgd	22,000 ²	525 gpcd ² (500 gpcd) ⁴	11 mgd
Hazelwood	19,000 ¹	415 gpcd ³ (425 gpcd) ⁴	8 mgd	20,000 ¹	(500 gpcd) ⁴	10 mgd
Richland	4,000 ¹	(425 gpcd) ⁴	2 mgd	4,000 ¹	(500 gpcd) ⁴	2 mgd
	77,000		33 mgd	89,000		45 mgd

STORAGE REQUIREMENTS

Water Dist.	1980			2000		
	Estimated Population	Per Capita Demand	Storage Required	Estimated Population	Per Capita Demand	Storage Required
			Avg Day + Max Day + Fire			
Rockwood	39,000 ¹	(165 gpcd) ⁴	23 mg	43,000 ¹	(200 gpcd) ⁴	30 mg ⁵
Parkrose	15,000 ²	165 ² (165 gpcd) ⁴	7 mg	22,000 ²	200 ² (200 gpcd) ⁴	13 mg
Hazelwood	19,000 ¹	146 ³ (165 gpcd) ⁴	9 mg	20,000 ¹	(200 gpcd) ⁴	12 mg
Richland	4,000 ¹	(165 gpcd) ⁴	2 mg	4,000 ¹	(200 gpcd) ⁴	2 mg
	77,000		41 mg	89,000		57 mg

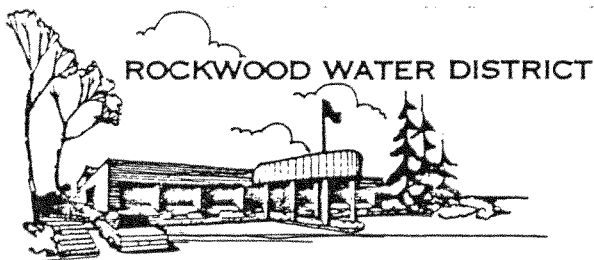
STORAGE DEFICIENCY

Water Dist.	Existing Storage	Storage Req'd		Storage Deficiency	
		1980	2000	1980	2000
Rockwood	1.7 mg	23 mg	30 mg	21 mg	28 mg
Parkrose	4.5 mg	7 mg	13 mg	2 mg	8 mg
Hazelwood	1 mg±	9 mg	12 mg	8 mg	11 mg
Richland	±	2 mg	2 mg	2 mg	2 mg

¹ 1973 CRAG Projections² 1974 Water Study³ 1968 Water study⁴ Estimated for this analysis⁵ Includes 4 mg required for low level

**Letter from RWD Manager:
Future Planning Efforts**

Exhibit H



19601 N.E. HALSEY, PORTLAND, OREGON 97230-7489
665-4179

February 23, 1989

Mr. Gregory E. DiLoreto, P.E.
City Engineer
City of Gresham
1333 NW Eastman Parkway
Gresham OR 97030-3825

Dear Greg:

To assist the City Council on February 28th, 1989, we have included two documents for you.

The first document is a two year C.I.P., instead of a five year. We operate on the amount of time we anticipate being in existence.

The second document is the 1976 rate study done for us by CH2M/Hill. Our last rate increase was July 1982. The manager at that time was also the manager when the 1976 study was done. He simply used the procedures of the 1976 study, updated them with current information, and this was the documentation and justification for the 1982 rate increase. As you know, there is a tendency to try to have rates be applicable for at least five years. Rockwood has now gone almost seven years at the same rates, and at this point in time we feel our rates will still be appropriate for the next two years. We do not see a need for a rate study or increase during that time.

Rockwood Water District was considering a water master plan at the same time Gresham was considering and contracting to have one developed for them. A decision was made at that time that since everyone was trying to annex the Water District out of existence the very next year, that the money could better be spent by "putting it in the ground", instead of paying for a master plan. For this reason we do not have one.

It is hoped the foregoing material will be of assistance to the City Council.

Very truly yours,

Duane E. Robinson
District Manager

mvh
Enclosures

RECEIVED

FEB 24 1989

CITY OF GRESHAM

Rockwood Water District 5-Yr. CIP

Exhibit I

Rockwood Water D.

5 YEAR PROPOSED C.I.P.

RECEIVED

SEP 1 1989

CITY OF GRESHAM

1989-90

Estimated Cost

NE 201st, Halsey to Thompson 2,000' - 16"/12" replacing 8" od	140,000
NE 160th, Burnside to Holladay 2,800' - 8" replacing 4" od	<u>112,000</u> 252,000
SE Stark St, 162nd to 182nd 5,250' - 12" replacing 8"	262,500
SE 162nd, Stark to Burnside 1,000' 12" replacing 6" od	50,000
SE 162nd, Stark, south 600' 12" replacing 8" od	27,000
SE Alder St, 162nd west 1,300' 10"/8" replacing 4" od, c.i.	<u>52,000</u> 391,500
	<u>643,500</u>
Hydrant Installations	<u>6,500</u>
TOTAL	650,000

Additional projects if bids are under estimate:

NE 183rd, Glisan north 400' 8" replacing 4" od	17,500
SE Washington Ct, 175th east 200' 6" extension	8,500

1990-91 - Year 2

Estimated Cost

NE Sandy Blvd, 189th to 201st 2,100' - 18" extension	147,000
---	---------

NE 152nd, Hoyt to Holladay 1,000' - 8" replacing 4"	50,000
--	--------

NE 153rd, Hoyt to Holladay 1,000' - 8" replacing 4"	50,000
	<u>247,000</u>

NE 201st, Glisan to SE Stark 2,700' - 18" replacing 4"	270,000
---	---------

NE 160th, Holladay to Halsey 1,300' - 8" replacing 4"	58,500
--	--------

SE 140th, Mill north 700' 8" extension	24,500
	<u>403,000</u>

TOTAL	<u>650,000</u>
-------	----------------

Additional projects:

SE Stephens St, 142nd west 500' 6" extension	30,000
---	--------

SE 208th, Morrison 100' 8" extension	5,000
---	-------

1991-92 - Year 3

Estimated Cost

SE 148th Ave, Division to Burnside
6,500' - 16" replacing 12" od
Booster pump/control station

500,000

SE 155th, Burnside to Stark
1,000' - 8" replacing 4"

55,000

NE 167th Place, Couch to Glisan
1,200' - 6" replacing 4"

72,000
627,000

Miscellaneous hydrant installations/ties

23,000

TOTAL 650,000

1992-93 - Year 4

Estimated Cost

NE 168th Avenue, Couch to Glisan 1,200' - 8" replacing 4"	75,000
SE 167th, Stark to Burnside 1,150' - 8" replacing 4"	72,500
SE Ankeny Street, 165th to 167th/SE 166th, Ankeny south 800' - 6" replacing 4"	40,000
NE Wasco Street, 162nd to 169th 1,800' - 8" replacing 4" od	
NE Multnomah Street, 162nd to 165th 900' - 6" replacing 4" od	
NE Holladay, 162nd to 165th	
NE Hassalo, 165th to 169th 1,800' - 8" replacing 4"	
NE 165th, Holladay to Wasco 700' - 8" replacing 4"	338,000
SE Mill Street, 162nd, east 2,600' 8" replacing 4"	<u>145,000</u>
TOTAL	670,000

1993-94 - Year 5

Estimated Cost

Sonoma Park Subdivision

SE 175th, Division to Brooklyn
1,200' - 8" replacing 4"

SE 176th Place, Division to Haig Drive
2,600' - 8" replacing 4"

SE 175th Place, Tibbetts south 500'
6" replacing 4"

SE Tibbetts, 182nd to 175th
2,000' - 12"/8" replacing 4"

SE Kelly, 180th to SE 177th
1,000' - 6" replacing 4"

SE Haig Drive, 182nd to 176th
1,500' - 8" replacing 4"

SE 177th, SE 178th, SE 179th, SE 180th, Haig to Kelly
2,800' - 6" replacing 4"

TOTAL 750,000 -

Background Information

Exhibit J

CITY OF GRESHAM

BACKGROUND INFORMATION ON THE ROCKWOOD MERGER

Prepared for
F. Wallace Douthwaite
City Manager

Prepared by
Financial Operations Division

March 17, 1989

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Rockwood Merger Overview	1
Base Data	2
Water Purchases Chart	3
Water Sales Chart	4
Operating Net Income Chart	5
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Fund Equity Chart	7
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Available Resources for Capital Construction Chart	9
1988 Operating Report	10
Comparison of Gresham/Rockwood Water Rates	11-13

ROCKWOOD MERGER OVERVIEW

1. Both Rockwood and Gresham water operations have the same purpose: Its to provide water service to its customers and maintain the water system to allow for continuation of this service.
2. Rockwood and Gresham water system operations are comparable in size. The number of accounts serviced, water sales revenues, operating expenses, and net operating income can be compared directly.
3. In comparing these factors we have determined that the water sales revenues are not significantly different between the two systems. This means that the overall charges to each system's water customers are very close to being equal. This is to be expected by similarly sized operations.

Although the revenue streams to support operations show similar amounts, the sources by which revenues are generated are not similar. Rockwood charges business users a greater water rate to support operations than Gresham does.

In comparing operating expenses we again find that there is no significant difference between the two systems. It should be noted that both Gresham and Rockwood buy water from Portland for resale. In Gresham, as water sales have increased, purchases of water have also increased. Rockwood water district has also had an increase in water sales, but has actually reduced its water purchases from Portland. It is unclear from the financial statements how Rockwood has increased sales without additional purchases or increased reliance on their well.

4. Gresham's infrastructure. (reservoirs, pump stations, and lines) are of significantly greater value than Rockwood's. However, the infrastructure of both systems is being depreciated, or wearing out, at the same dollar amount. This means that Rockwood's infrastructure has a shorter life expectancy than Gresham's. Rockwood, therefore, should be making capital improvements at a higher rate than Gresham to maintain their system. This has not been the case.
5. A review of the financial statements has determined that Rockwood does not have the available resources that Gresham has for system maintenance or expansion. This means that without increasing their revenues, Rockwood will not have the resources to maintain its system at the level we are maintaining ours.
6. Gresham accumulates sewer development charges and bond proceeds to fund major capital construction. Net operating income proceeds are not significant in the funding of capital improvement projects. Rockwood water district does not have reserves available for significant construction.

WATER PURCHASES
From Financial Statements

<u>Year</u>	<u>City of Gresham</u>	<u>Rockwood Water District</u>
84-85	595,360	654,418
85-86	692,942	869,529
86-87	731,408	828,420
87-88	776,236	787,996

WATER SALES
From Income Statement

<u>Year</u>	<u>City of Gresham</u>	<u>Rockwood Water District</u>
84-85	2,202,792	2,092,633
85-86	2,376,429	1,958,492
86-87	2,525,068	2,281,690
87-88	2,410,016	2,294,719

OPERATING NET INCOME

<u>Year</u>	<u>City of Gresham</u>	<u>Rockwood Water District</u>
84-85	698,962	420,328
85-86	692,307	(19,299)
86-87	563,819	308,440
87-88	273,176	370,412

OPERATING EXPENSES
Including Depreciation

<u>Year</u>	<u>City of Gresham</u>	<u>Rockwood Water District</u>
84-85	1,503,830	1,672,305
85-86	1,684,122	1,977,791
86-87	1,961,249	1,973,250
87-88	2,136,840	1,924,307

FUND EQUITY
From Balance Sheet

<u>Year</u>	<u>City of Gresham</u>	<u>Rockwood Water District</u>
84-85	13,122,716	9,965,947
85-86	14,735,793	9,920,132
86-87	15,891,284	10,763,575
87-88	17,139,595	11,462,312

NET FIXED ASSETS (INFRASTRUCTURE)

<u>Year</u>	<u>City of Gresham</u>	<u>Rockwood Water District</u>
84-85	10,528,311	8,993,728
85-86	11,004,748	9,230,300
86-87	11,549,481	10,065,589
87-88	13,102,450	10,561,930

AVAILABLE RESOURCES
From Balance Sheet

<u>Year</u>	<u>City of Gresham</u>	<u>Rockwood Water District</u>
84-85	3,321,829	1,680,801
85-86	4,517,703	1,312,301
86-87	5,095,572	1,079,070
87-88	4,741,603	1,449,139

WATER PURCHASES

DOLLARS

1,000,000

800,000

600,000

400,000

200,000

0

1985

1986

1987

1988

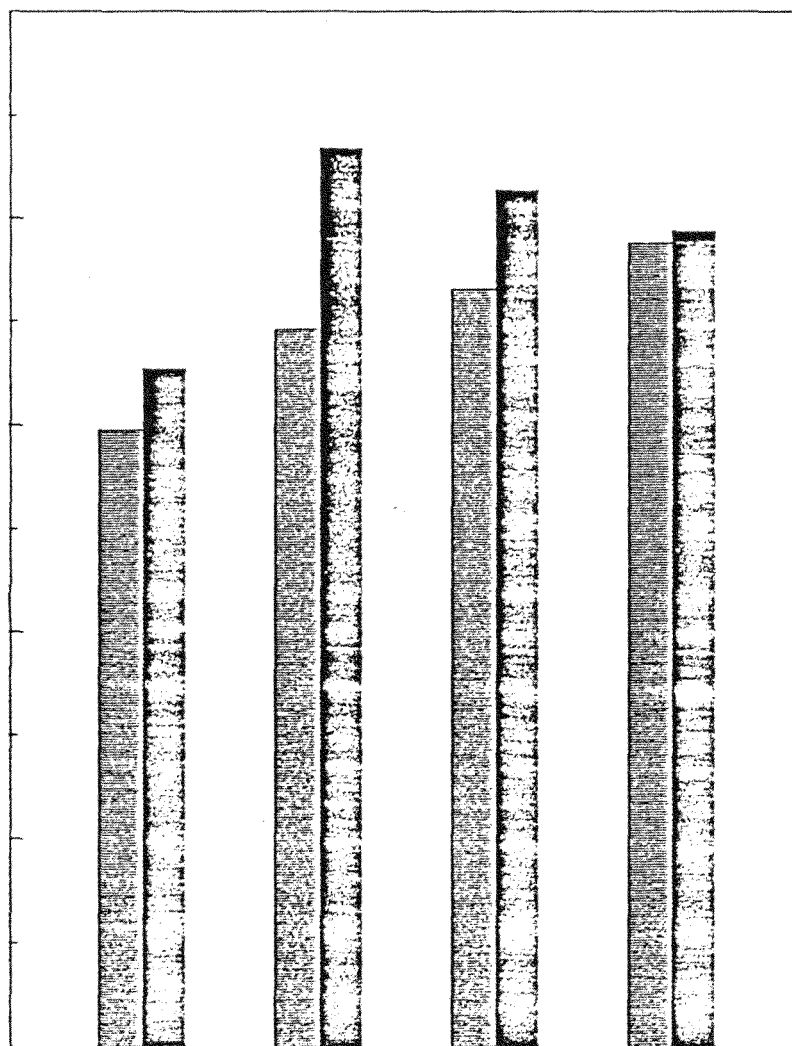
YEARS



Gresham



Rockwood



WATER SALES

DOLLARS

3,000,000

2,500,000

2,000,000

1,500,000

1,000,000

500,000

0

1985

1986

1987

1988

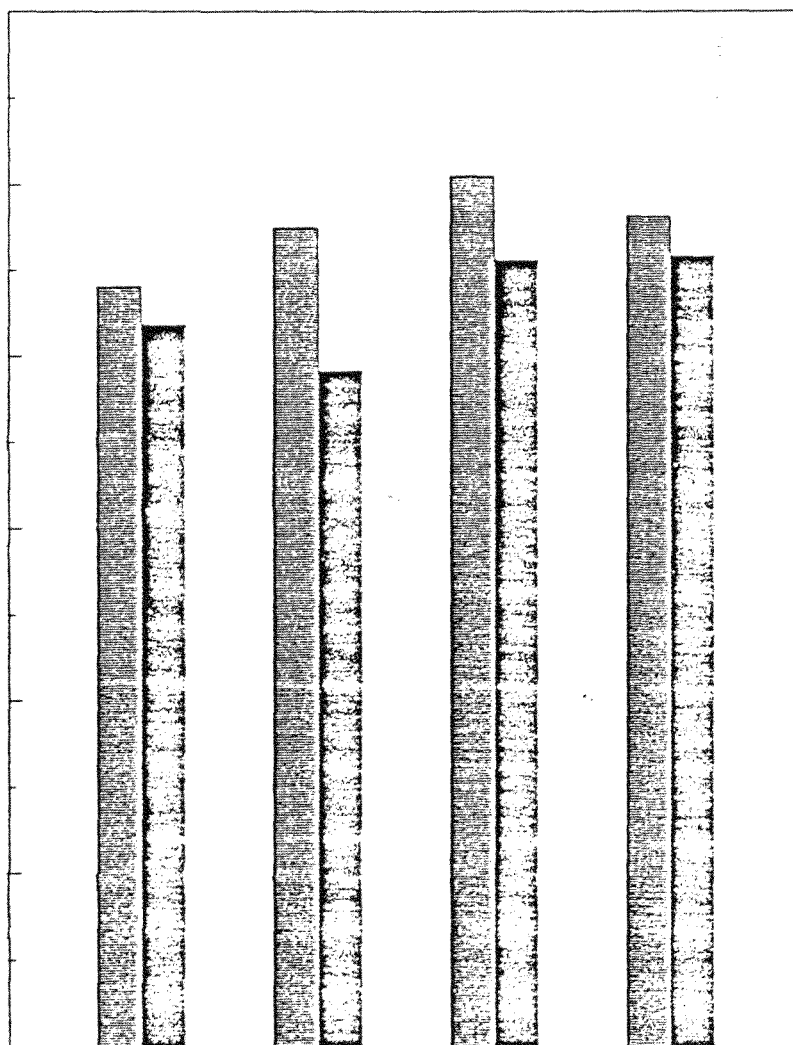
YEARS



Gresham

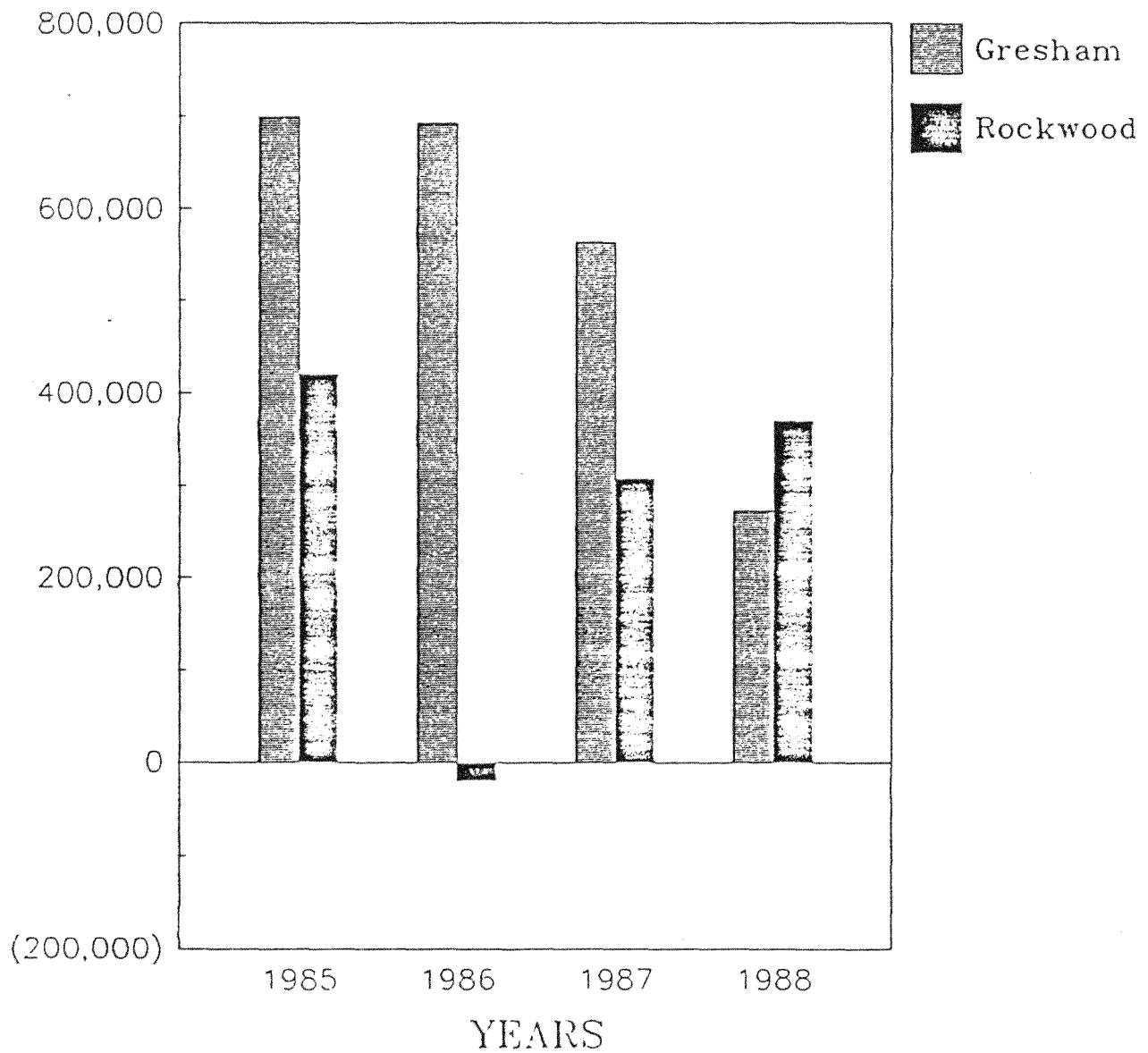


Rockwood



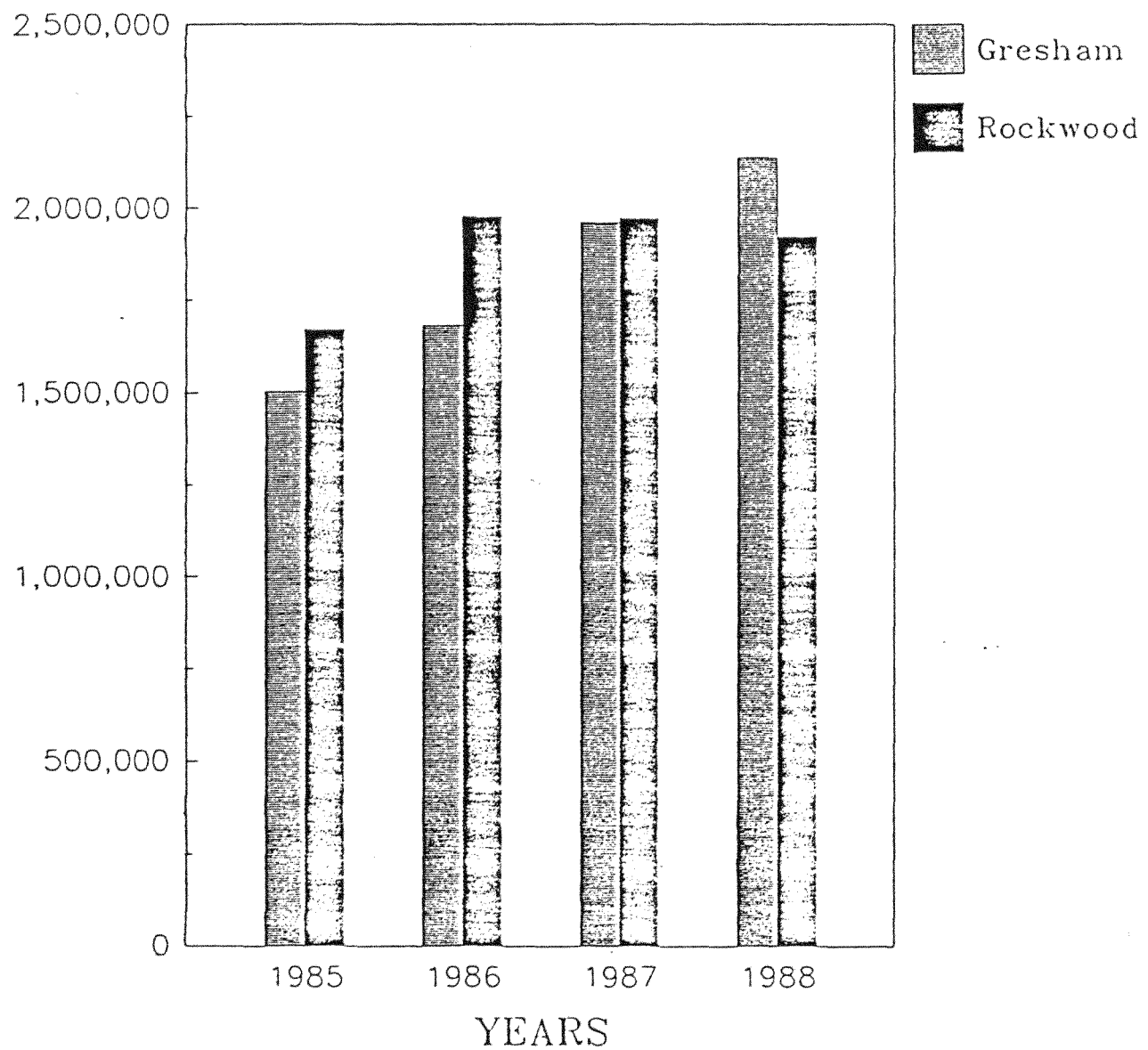
OPERATING NET INCOME

DOLLARS



OPERATING EXPENSES

DOLLARS



FUND EQUITY

DOLLARS

20,000,000

15,000,000

10,000,000

5,000,000

0

1985

1986

1987

1988

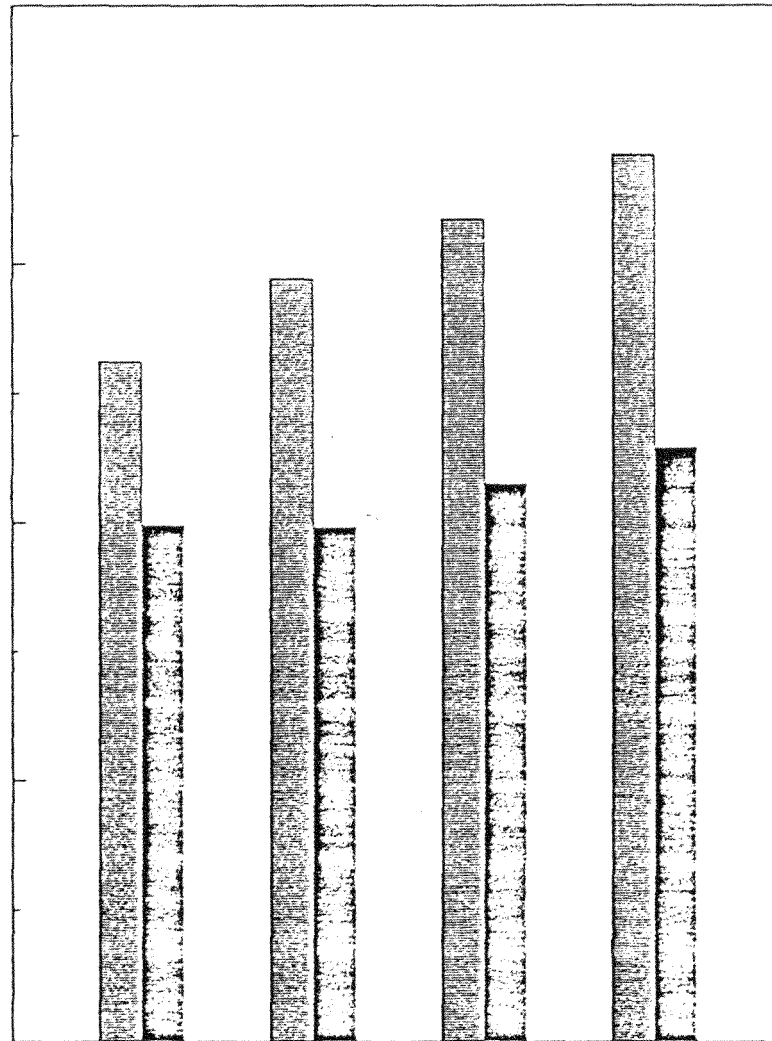
YEARS



Gresham

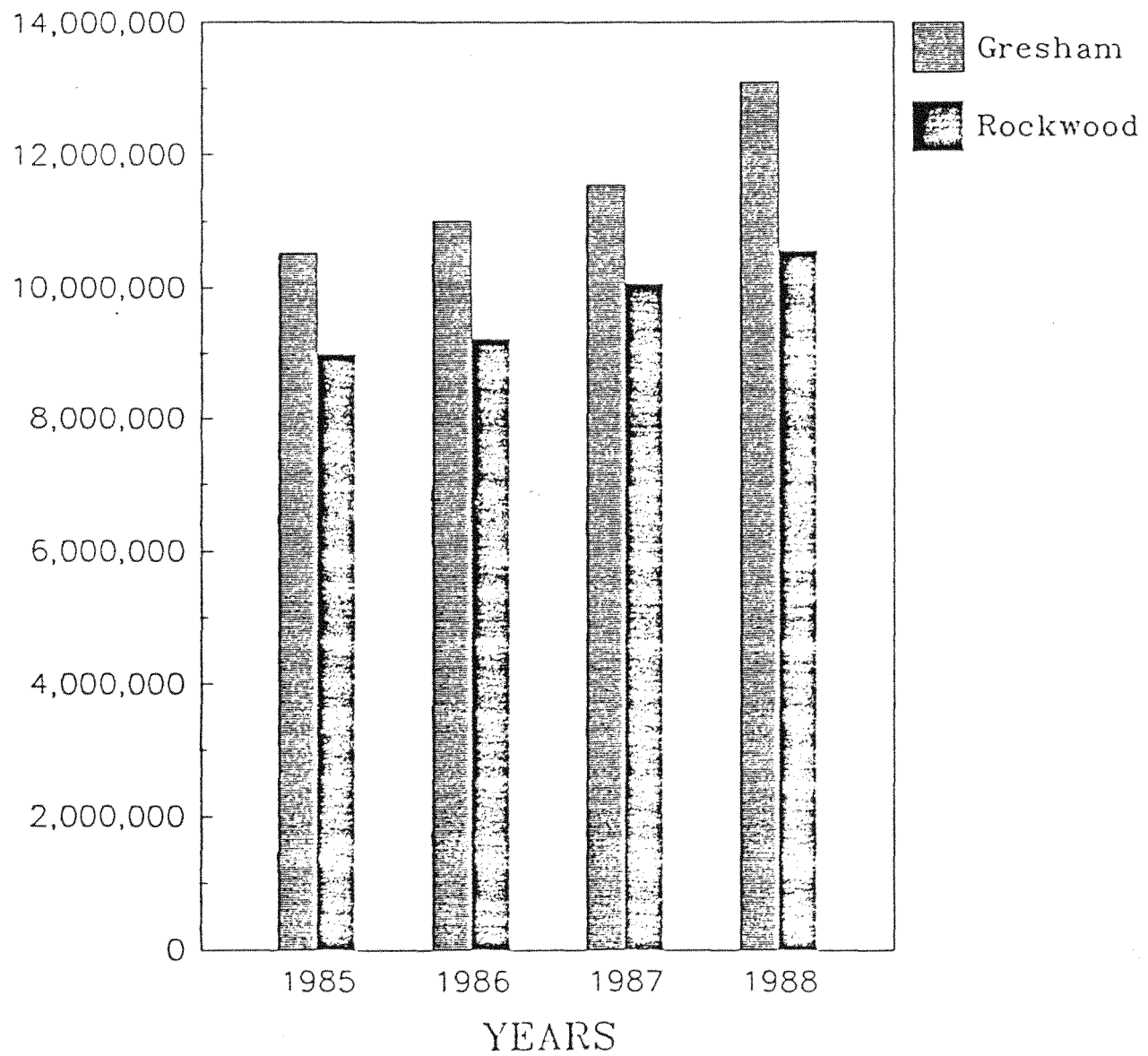


Rockwood



NET FIXED ASSETS (INFRASTRUCTURE)

DOLLARS



AVAILABLE RESOURCES FOR CAPITAL CONSTRUCTION

DOLLARS

6,000,000

5,000,000

4,000,000

3,000,000

2,000,000

1,000,000

0

1985

1986

1987

1988

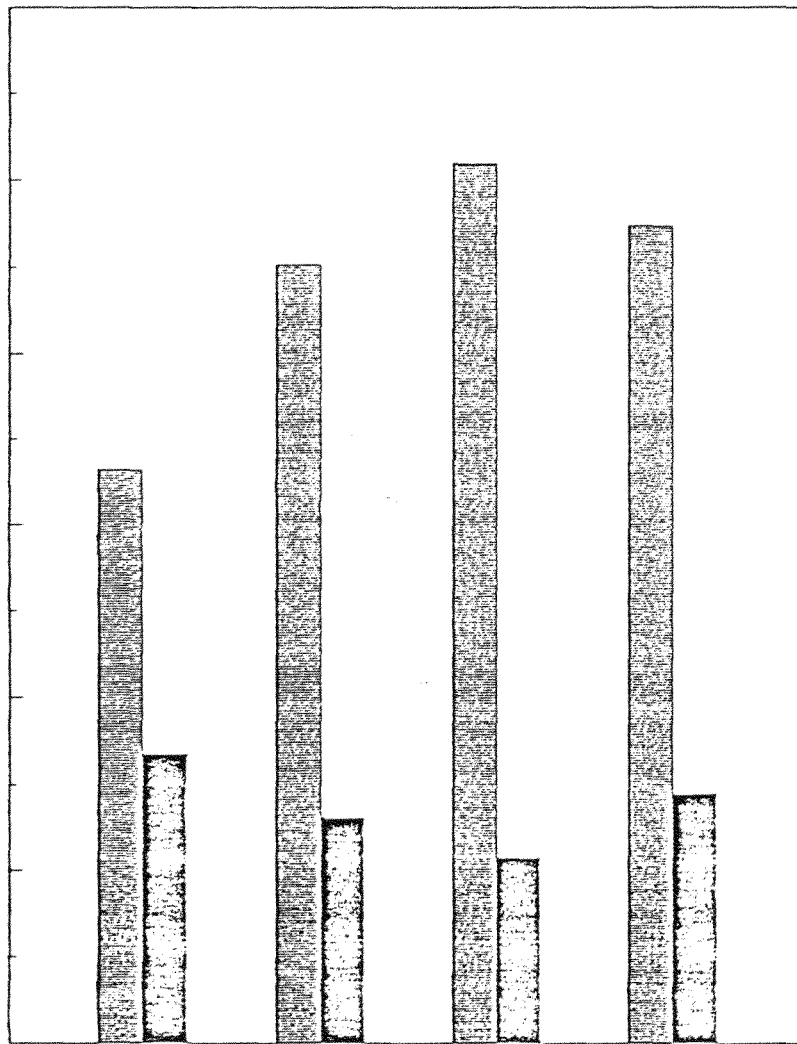
YEARS



Gresham



Rockwood



1987-1988 OPERATING REPORT COMPARISON

	<u>Gresham</u>	<u>Rockwood</u>
WATER ACCOUNTS	10,900	11,500 (approx)
OPERATING REVENUES:		
Residential & Commercial Water Service	2,392,063	2,294,719
Other	17,953	40,508
Total Revenues	<u>2,410,016</u>	<u>2,335,227</u>
OPERATING EXPENSES:		
Salaries	424,022	583,872
Materials & Services	1,024,625	1,022,547
Depreciation	318,527	317,888
Personnel Overhead/Equipment Capital/ Water Distribution System Construction Expenses	55,187	40,508
Administrative Charges	314,479	-
Total Operating Expenses	<u>2,136,840</u>	<u>1,964,815</u>
Operating Income	<u>273,176</u>	<u>370,412</u>
NON-OPERATING INCOME (EXPENSE):		
Interest Expense	(78,440)	(55,900)
Interest Income/Miscellaneous	508,770	114,364
Other	142,236	26,565
Total Non-Operating Income	<u>572,566</u>	<u>85,029</u>
Net Income	<u>845,742</u>	<u>455,441</u>

COMPARISON OF GRESHAM AND ROCKWOOD WATER RATES

These rate comparisons were calculated using the average water consumption and meter size of Gresham water customers. The most typical user classes are itemized, listing the percentage of the difference between the rates.

In general, the following represents the major differences and similarities between districts.

Similarities: Both districts charge on a bi-monthly basis.
Both districts charge a flat fee based on the meter size.
Both districts charge residential properties the highest fee per 100 cubic feet of water.

Differences: Rockwood includes 700 cubic feet of water consumption in their bi-monthly administrative charge.
Gresham charges for water consumption beginning with 100 cubic feet (no minimum in the administrative charge).
The average Gresham residence pays \$.44 per day during the winter months.
The average Rockwood residence pays \$.31 per day during the winter months.

The customers whose bill will reflect the largest reduction when serviced by Gresham will be:

Those with meters three inches or larger
Those with fire meters or fire lines

USER TYPE	GRESHAM /100CF	ROCKWOOD /100CF	BI-MONTHLY GRESHAM BILL	BI-MONTHLY ROCKWOOD BILL	BI-MO DIFF	X DIFF
DOMESTIC:						
Residential	\$1.02	\$0.87				
5/8" + 17 units			\$26.59	\$18.70	\$7.89	42% ↓
5/8" + 50 units			\$60.25	\$47.41	\$12.84	27% ↓
Duplex	\$1.02	\$0.87				
5/8" + 40 units			\$50.05	\$42.62	\$7.43	17% ↓
Multi-Family	\$0.98	\$0.86				
1" + 130 units			\$137.45	\$118.28	\$19.17	16% ↓
2" + 412 units			\$422.06	\$380.85	\$41.21	11% ↓
Restaurant	\$0.78	\$0.81				
Heidi's: 2" + 728.5 units			\$586.53	\$616.97	\$30.44	5% ↓
Sizzler's: 1 1/2" + 362 units			\$296.31	\$309.25	\$12.94	4% ↓
McDonald's: 1" + 316.5 units			\$256.92	\$263.20	\$6.28	2% ↓
Service Station	\$0.78	\$0.81				
1" + 42 units			\$42.81	\$40.85	\$1.96	5% ↓
Church	\$1.01	\$0.81				
East Hill: 4 + 1" + 273 units			\$315.33	\$321.96	\$6.63	2% ↓
4" Fire Line			\$11.40	\$53.00	\$41.60	78% ↓
TOTAL BILL			\$326.73	\$374.96	\$48.23	13% ↓
Mt View Christian: 1" + 188.3 units			\$200.26	\$159.35	\$40.91	26% ↓
Salvation Army: 5/8" + 14.3 units			\$23.69	\$15.91	\$7.78	49% ↓
School-Elementary	\$1.01	\$0.81				
1 1/2" + 95 units			\$109.90	\$92.98	\$16.92	18% ↓
4 + 1" + 266 units			\$308.26	\$316.29	\$8.03	3% ↓
School-High School	\$1.01	\$0.81				
GUHS: 1 1/2" + 92.5 units			\$107.38	\$90.96	\$16.42	18% ↓
4 + 1" + 790.8 units			\$838.31	\$741.38	\$96.93	13% ↓
1 1/2" + 3.5 units			\$17.50	\$21.70	\$4.21	19% ↓
5/8" + 156.7 units			\$167.52	\$131.27	\$36.26	28% ↓
TOTAL BILL			\$1,130.70	\$985.30	\$145.40	15% ↓
General Commercial	\$0.78	\$0.81				
Safeway: 2" + 232.33 units			\$199.52	\$215.07	\$15.55	7% ↓
2" + 446.3 units			\$366.41	\$388.38	\$21.97	6% ↓
TOTAL BILL			\$565.93	\$603.45	\$37.52	6% ↓
GI Joes: 1 1/2" + 24.3 units			\$65.82	\$69.90	\$4.08	6% ↓
4" Fire			\$11.40	\$53.00	\$41.60	78% ↓
TOTAL BILL			\$77.22	\$122.90	\$45.68	37% ↓
Fred Meyer: 4 + 1" + 1,778.5 units			\$1,426.83	\$1,541.42	\$114.59	7% ↓
10" Fire Line			\$28.50	\$323.00	\$294.50	91% ↓
TOTAL BILL			\$1,455.33	\$1,864.42	\$409.09	22% ↓
Bank (FIB): 1" + 24.3 units			\$29.03	\$26.51	\$2.52	10% ↓

USER TYPE	GRESHAM ROCKWOOD BI-MONTHLY		BI-MONTHLY		BI-MO DIFF	Z DIFF
	/100CF	/100CF	GRESHAM BILL	ROCKWOOD BILL		

Commercial continued:

7-11 Store: 5/8" + 37.6 units \$38.63 \$34.84 \$3.79 11% ↓

Office Products: 5/8" + .5 units \$9.65 \$10.00 \$.35 4% ↓

Oregon Trail Shopping Center:

1" + 153.8 units \$130.01 \$131.41 1.40 1% ↓

2" + 61.5 units \$66.27 \$76.70 \$10.43 14% ↓

1" + 265 units \$216.75 \$221.48 \$4.73 2% ↓

1" + 362.8 units \$293.03 \$300.70 \$7.67 3% ↓

1" + 450.3 units \$361.28 \$377.24 \$15.96 4% ↓

5/8" Fire Line \$2.85 \$10.00 \$7.15 72% ↓

6" Fire Line \$17.10 \$116.00 \$98.90 85% ↓

8" Fire Line \$22.80 \$205.00 \$182.20 89% ↓

TOTAL BILL \$1,110.09 \$1,438.53 \$328.44 23% ↓

Industrial \$0.78 \$0.78

Boyd: 2" + 5399 units \$4,229.52 \$4,238.31 \$8.79 .2% ↓

Cascade: 1 1/2" + 4" + 2284 units \$1,821.12 \$1,882.56 \$61.44 3% ↓

Fujitsu: 4" + 8" + 9471 units \$7,524.98 \$7,897.42 \$372.44 5% ↓

FIRE LINES:

2" \$5.70 \$16.00 \$10.30 64% ↓

4"* \$11.40 \$53.00 \$41.60 78% ↓

6"* \$17.10 \$116.00 \$98.60 85% ↓

8" \$22.80 \$205.00 \$182.20 89% ↓

10" \$28.50 \$323.00 \$294.50 91% ↓

*Most common size fire lines.

METER CHARGES (flat bi-monthly charge):

	GRESHAM RATE	ROCKWOOD RATE (includes 700 CF)
5/8" or 3/4"	\$9.25	\$10.00
1"	\$10.05	\$12.50
1 1/2"	\$13.95	\$21.70
2"	\$18.30	\$32.55
3"	\$27.80	\$62.20
4"	\$39.60	\$106.50
6"	\$66.85	\$232.00
8"	\$98.00	\$409.00
10"	\$155.10	\$646.00

RATE PER 100 CUBIC FEET OF WATER:

Residential	\$1.02	\$0.87
Multi-family	\$0.98	\$0.86
Commercial	\$0.78	\$0.81
Industrial	\$0.78	\$0.78

Gresham CIP To Address RWD Deficiencies

Exhibit K

CITY OF GRESHAM
CAPITAL IMPROVEMENT PROGRAM
COG/RWD WATER SYSTEMS
7 YEAR PERIOD

THE FOLLOWING ANALYSIS REFLECTS ESTIMATE FOOTAGES OF PIPE LINES BY YEAR & UTILIZES CH2M-HILLS 1986 CONSTR. COST ESTIMATE [adjusted].
THIS ANALYSIS ASSUMES ALL 3/4" SERVICES WILL BE REPLACED DURING CONSTRUCTION & REQUIRED HYDRANTS INSTALLED.

PARAMETERS OF ANALYSIS:

1. 1989 & 90 ADJ. INSTALLATION COST PER L. FOOT
2. SERVICE REPLACEMENT ASSUMES INSTALLING 2 NEW 3/4" SERVICES PER 80 LF OF PIPE INSTALLED
3. INSTALLATION ESTIMATE COST (\$250./ SERVICE), LARGER SERVICES SHOULD BE INDIVIDUALLY ESTIMATED
4. MUELLER 6" FIRE HYDRANT ASSEMBLY INSTALLED AT 700 FT. SPACING (\$2,000./ UNIT)

PROJECT DESCRIPTIONS	GRESHAM CIP NUMBER	DUCTILE IRON PIPE SIZE	PIPE LENGTH LIN. FEET	1987/90 COMPLETED PROJECTS	C I P BUDGET YEAR					REMARKS
					1990/91	1991/92	1992/93	1993/94	1994/95	
1 GRANT BUTTE 10 MG RESERVOIR	4024	20"	6000	\$2,700,000	\$2,360,000	\$200,000	\$0	\$0	\$0	GRESHAM/RWD
2 SE 223RD AVE. (STARK/GLISAN)	4098	16"	NA	\$264,000	\$0	\$0	\$0	\$0	\$0	MAJ. TIE TO RWD
3 WATER SYSTEM AERIAL MAPPING & DATABASE DEVELOPMENT	4121	NA	NA	\$53,000	\$52,000	\$20,000	\$10,000	\$0	\$0	WATERS SHARE COG/RWD
4 GRESHAM/RWD MAJOR INTERTIES	4066	NA	NA	\$5,000	\$110,000	\$0	\$0	\$0	\$0	GRANT B. AREA
5 STARK ST (NE223RD/HOGAN)	4062	18"	5000	\$357,540						MAJOR E/W TIE
6 CLEVELAND AVE. (RWD TAP/POWELL)	4059	16"	2965	\$215,152						DIV. INTERTIE
7 WATER TELEMETRY SYSTEM ANALYSIS	4097	NA	NA	\$20,000	\$0	\$0	\$0	\$0	\$0	COG/RWD
8 NE 181/I-84 INTERCHANGE	4127	16"	2,000	\$200,000	\$100,000	\$0	\$0	\$0	\$0	MAJ. INTERTIE
9 SANDY B. (175TH/185TH)	4128	16"	3,000	\$270,000	\$200,000	\$0	\$0	\$0	\$0	MAJ. INTERTIE & LOOPING
10										
11 NE 202ND AVE (POWELL/DIVISION)	4075	18"/20"	2700	\$10,000	\$220,000	\$70,000	\$0	\$0	\$0	TRANSM. NORTH
12 CHERRY PARK RD. (STARK ST NORTH)	4113	12"	700	\$46,000	\$0	\$0	\$0	\$0	\$0	TRANS. NORTH
13 POWELL VALLEY W.D. (INTERTIE WATER LINE PROJECTS)	4114	6"&12"	160	\$28,000	\$19,000	\$0	\$0	\$0	\$0	INTERTIES AT POWELL & MARIE

PROJECT DESCRIPTIONS	GRESHAM CIP NUMBER	DUCTILE IRON PIPE SIZE	PIPE LENGTH LIN. FEET	1987/90 COMPLETED PROJECTS	CIP BUDGET YEAR					REMARKS
					1990/91	1991/92	1992/93	1993/94	1994/95	
14 WATER RATES ANALYSIS & COST OF SERVICE STUDY	4111	NA	NA	\$58,000	\$0	\$0	\$0	\$0	\$60,000	RATE REVIEWS REQUIRED
15 NE 202ND AVE (DIV. ST/STARK ST.)	4072	12"	2900	\$0	\$0	\$55,000	\$175,000	\$0	\$0	TRANSM. NORTH
16 WATER MASTER STUDY	4106	NA	NA	\$70,000	\$0	\$0	\$60,000	\$20,000	\$0	5-7YR REVIEWS
17 SE DIVISION ST (SE 202TH/EASTMAN) DIV.& CLINTON (190TH/202ND AVE)	4103	12" 16"	5,000 3,600	\$0	\$0 \$5,000	\$200,000 \$160,000	\$202,000 \$150,000	\$0	\$0	TRANSM. EAST & WEST
18 DIVISION ST. (PS #2 / HOGAN DR.)	4082	18"	1,100	\$0	\$0	\$0	\$117,000	\$0		NEW FEED NORTH
19 MAJOR WATER REPLACEMENTS	4087	NA	NA	\$0	\$0	\$0	\$250,000	\$250,000	\$250,000	LEAKS/SIZE
20 NE 202ND (STARK /GLISAN) NE 202ND (HALSEY/GLISAN AVE)	4077	16"	2600 2600	\$0	\$0	\$0	\$0	\$240,000	\$0 \$225,000	TRANSM. NORTH RWD-TIES
21 SW HARTLEY (SW 2ND ST/SW 3RD ST)	4090	10"	250	\$0	\$0	\$0	\$0	\$17,000	\$0	RWD - TIE
22 SE 190TH (GRANT BUTTE R./SW 2ND)	4076	8"/20"	200	\$0	\$0	\$0	\$0	\$20,000	\$0	RWD - TIE
23 NE 201ST AVE (NE HALSEY / I-84)	4086	16"	2,300	\$0	\$0	\$0	\$0	\$0	\$220,000	S.SHORE/TRANSM.
24 NE 242ND AVE (STARK/GLISAN) GLISAN ST. (HOGAN AVE. WEST)	4101	12" 12"	2,600 2,200	\$0 \$0	\$0 \$0	\$0 \$0	\$0 \$0	\$0 \$0	\$0 \$0	TRANSM. NORTH & WEST-95/96
25 SAN RAFAEL ST (194TH/201ST)	NA	10"/18"	3,600	\$0	\$0	\$0	\$0	\$0	\$0	95/96 TRANSM.
26 NE HALSEY (NE 181ST/201ST)	4116	16"	5,500	\$0	\$0	\$0	\$0	\$0	\$0	1995/96 TRANSM.
GRAND TOTAL CONSTR. BUDGET			56,975	\$4,296,692	\$3,066,000	\$705,000	\$964,000	\$547,000	\$755,000	LINES & TANKS

201

BOARD OF
COUNTY COMMISSIONERS
1989 NOV 20 AM 10:38
MULTNOMAH COUNTY
OREGON

In the _____ Court of the State of Oregon
for the County of Multnomah

vs. _____ Plaintiff

Defendant

Affidavit of Publication

STATE OF OREGON

County of Multnomah _____

s.s.

I, CHARLENE WHARTON being first duly sworn depose and
say that I am the Principal Clerk Of The Publisher of The Oregonian, a newspaper of general
circulation, as defined by ORS 193.010 and 193.020, published in the City of Portland, in Multno-
mah County, Oregon; that the advertisement, a printed copy of which is hereto annexed, was published
without interruption in the entire and regular issues of The Oregonian for ONE

~~successive and consecutive~~ ISSUE on the following dates: 11/11

MULTNOMAH COUNTY OREGON
BOARD OF COUNTY COMMISSIONS

Charlene Wharton
Principal Clerk Of The Publisher
17TH NOVEMBER 89
Subscribed and sworn to before me this _____ day of _____ 19____

F-1703

My Commission expires:

Shirley Kalhar
Notary Public for Oregon
SHIRLEY KALHAR
NOTARY PUBLIC - OREGON
My Commission Expires 7/28/90

LAW OFFICES OF
JOSSELYN, POTTER & ROBERTS
53 S.W. YAMHILL STREET
PORTLAND, OREGON 97204

TELEPHONE (503) 228-1455
FACSIMILE (503) 228-0171

November 16, 1989

RECEIVED BY
COUNTY COMMISSIONERS
1989 NOV 20 AM 11:04
MULTNOMAH COUNTY
OREGON

Mr. Laurence Kressel
County Counsel
Multnomah County
1120 S.W. Fifth Ave., Suite 1530
Portland, OR 97207-0849

Re: Rockwood Water PUD

Dear Mr. Kressel:

We have received a copy of your November 13, 1989 memorandum to Ms. McGarvin. We were disappointed that your memorandum did not point out that at the hearing on the PUD boundary, the Board may not exclude territory from the boundary proposed in the petition.

The hearing contemplated by ORS 261.161 is limited. The statute delegates to the Board only two functions at the hearing: (1) to add land to the boundary described in the petition where "the owners of that land request inclusion in writing before the hearing [is concluded]"; and (2) to correct "any deficiency in the description of the boundaries of the proposed district." ORS 261.161(3) and (4).

Under ORS 261.171(1), "upon receipt of an elector's petition ... which the county governing body finds to be in compliance with this chapter," the Board has a mandatory duty, enforceable by writ of mandamus under ORS 261.220, to "submit the question of district formation ... to the electors within the affected territory at a special election" The only predicate to the calling of the election within the "affected territory" is that the petition be in compliance with ORS Ch. 261, which your county elections officer determined to be the case on September 1, 1989. The term "affected territory" is defined as "that territory proposed to be formed into ... a district." ORS 261.010(g). It is of course the petition that describes the territory proposed to be formed into the district, or "the boundaries of the proposed people's utility district." ORS 261.110(2).

Obviously, if the county board were entitled to eliminate territory, it could defeat the petition and petitioning process.

JOSSELSON, POTTER & ROBERTS

November 16, 1989

Page 2

If the legislature had intended to give the Board power to overrule PUD petitioners and re-write the petition, it would have done so expressly. "It is elementary that the authority for an agency's administrative acts must be found in an enabling statute." Laughlin v. School District No. 1, Multnomah County, 69 Or. App. 63, 71, 686 P.2d 385 (1984) review denied 298 Or 597. The Board's power to act on this PUD, like any delegated power, "arises from and cannot go beyond that expressly conferred upon it." Pacific NW Bell v. Sabin, 21 Or. App. 200, 213, 534 P.2d 984 (1975).

We hope these principles are sufficiently obvious that there will be no dispute about the extent of the Board's authority with respect to the boundary.

Respectfully submitted,



Frank Josselson

FJ/cb

cc: Chief Petitioners

Multnomah County Commissioners

RESOLUTION OF THE BOARD OF COMMISSIONERS
ROCKWOOD WATER DISTRICT
14 November 1989

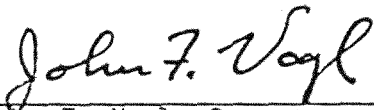
WHEREAS, some local government bodies operate under the premise that citizens simply pay the bills and are not capable of deciding what is in their best interest, and,

WHEREAS, it is the desire of the Rockwood Water District Board to fulfill its obligation to the electors and ratepayers and to provide continuity of a high quality water service, and,

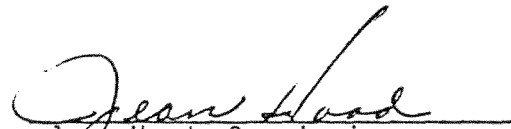
WHEREAS, the Rockwood Water District Board subscribes to the principle of government of the people, by the people and for the people,

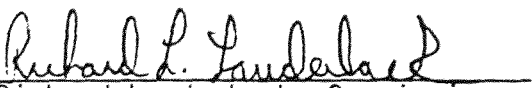
THEREFORE, BE IT RESOLVED, that we, the Rockwood Water District Board of Commissioners wholeheartedly support the citizens' right to vote on the formation of a Peoples Utility District to be their water provider, and will abide by their choice and endeavor to make it a practical reality.


Bill Stallings, President

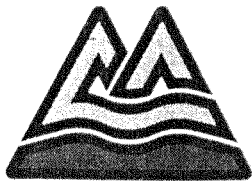

John F. Vogl, Secretary


Herb Brown, Commissioner


Jean Hood, Commissioner


Richard Lauderback, Commissioner

mvh



MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL
1120 S.W. FIFTH AVENUE, SUITE 1530
P.O. BOX 849
PORTLAND, OREGON 97207-0849
(503) 248-3138

BOARD OF COUNTY COMMISSIONERS
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CHIEF ASSISTANT
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ASSISTANTS
JOHN L. DU BAY
SANDRA N. DUFFY
J. MICHAEL DOYLE
H. H. LAZENBY, JR.
PAUL G. MACKAY
MARK B. WILLIAMS

M E M O R A N D U M

TO: Jane McGarvin
Clerk of BCC

FROM: Laurence Kressel *JK*
County Counsel (106/1530)

DATE: November 13, 1989

RE: Hearing on Proposed Rockwood PUD

1989 NOV 15 AM 11:10
MULTNOMAH COUNTY
OREGON
COUNTY COMMISSIONERS
CLERK OF

The Board has scheduled November 21, 1989 as the hearing date to determine the Rockwood PUD boundaries. You have asked whether the hearing can be adjourned and on what date the Board must take final action on the boundaries.

These questions are controlled by ORS 261.161 (copy attached). The rules are as follows:

1. The hearing on the boundaries must take place within 90 days after the petition to form the PUD is certified. In this instance, the hearing deadline is November 30th.
2. The hearing can be adjourned, but cannot exceed four weeks.
3. The final action on the boundaries must be taken within 10 days of the last date of hearing. In other words, the Board need not determine the boundaries at the public hearing. It can close the public hearing and deliberate on the boundaries later on (in open session, of course), so long as the 10 day rule is met.

Jane McGarvin
November 13, 1989
Page 2

As you can see from reading ORS 261.161, the statute provides little guidance as the Board's task at the public hearing is or the form for its final action. . It simply requires the Board to determine the boundaries based on the record of the hearing and the report issued by the Department of Energy. (ORS 261.161(3) prevents the Board from adding land to the proposed PUD boundaries without written landowner consent.)

By a copy of this memorandum, I am inviting the interested parties to submit to me memoranda on any legal issues they feel should be addressed regarding the boundary determination. I will advise the Board prior to the hearing.

cc: Board of Commissioners
Fred Neal
Frank Josselson, Attorney for Chief Petitioners
Tom Sponsler, Gresham City Attorney
Ruth Spetter, Assistant City Attorney, Portland

proposed boundaries and, if district formation is proposed, the report of the Director of the Department of Energy under ORS 261.151, the county governing body within 10 days of the last date of hearing shall determine the boundaries of the proposed or established district.

(3) No lands shall be included in the boundaries fixed by the governing body lying outside the boundaries described in the electors' petition unless the owners of that land request inclusion in writing before the hearing under subsection (1) of this section is completed.

(4) An electors' petition shall not be denied by a county governing body because of any deficiency in the description of the boundaries of the proposed district, but the county governing body shall correct those deficiencies. [1979 c.558 §13]

261.165 [Repealed by 1979 c.558 §30]

261.170 [Repealed by 1979 c.558 §30]

261.171 County governing body to call election; notice; dates. (1) Upon its own resolution, the county governing body may, and upon receipt of an electors' petition or resolution of the governing body of a district or municipality which the county governing body finds to be in compliance with this chapter shall, at the earliest practical date submit the question of district formation, annexation or consolidation and, if for formation, the question of a special levy, to the electors within the affected territory at a special election. The special election may be held on the same date as a biennial regular primary or general election.

(2) The notice of the election shall state the purpose of the election, describe in general terms the boundaries of the affected territory and in all other respects comply with the general laws of this state governing the time and manner of holding elections.

(3) The county governing body shall call no more than one election for formation of a district comprising substantially the same area within the same calendar year. [1979 c.558 §14]

261.175 [Repealed by 1979 c.558 §30]

261.180 Effect of annexation or consolidation on title to property and indebtedness. (1) Where a parcel of territory or municipality is annexed to an existing district, or two or more districts are consolidated, such annexation or consolidation shall not affect or impair the title to any property owned or held by any such district or districts, or of a municipality annexed, or in trust therefor, or any debts, demands, liabilities or obligations existing in favor of or against either the district or municipality so annexed.

(2) The acceptance of any indebtedness at the election to determine the question of annexation shall not include any indebtedness except such as has been incurred or assumed on account of development or purchase of a utility.

261.185 [Amended by 1973 c.796 §10; repealed by 1975 c.647 §53]

261.190 Qualifications; election of first board of directors; tenure. (1) At all elections where the creation of a district is authorized, five directors shall be elected to manage and transact the business of the district.

(2) Candidates for the office of director must be electors of this state, must have resided in the proposed district continuously for not less than two years next preceding the date of the election, and must continue to reside in the district during their term of office.

(3) All electors of the proposed district shall have the right to vote for five candidates at the election.

(4) The five candidates receiving the highest number of votes in the area approved by the electors and declared by the county governing body to be a district shall be elected to serve until the first Monday in January after the first regular biennial general election which occurs not less than one year following the election to create the district, and until their successors are elected and qualified. [Amended by 1973 c.796 §11; 1975 c.598 §4; 1979 c.558 §16]

261.195 [Amended by 1973 c.796 §12; repealed by 1975 c.647 §53]

261.200 Proclamation of district formation or boundary change; special levy; property owner petition. (1) If a majority of votes cast at the election favor formation of the district and authorization of the district to impose a special levy for the purposes stated in the petition for formation, or annexation of a parcel of territory or a municipality to an existing district, or consolidation of two or more districts, as the case may be, and in conformity with provisions of ORS 261.105 and 261.110, the county governing body shall issue a proclamation accordingly and file a certified copy with the county clerk of each county where the district or any portion thereof is located. The proclamation for formation of a district shall be in substantially the following form:

Whereas at an election duly and regularly held on the — day of —, A.D. 19—, within — County (or — Counties), State of Oregon, and within the boundaries of a

(2) Resolutions authorized under this section shall describe the boundaries of the affected territory and, if for formation or consolidation of a district or districts, the name by which the proposed district is to be known. [1979 c.558 §11]

261.145 [Repealed by 1979 c.558 §30]

261.147 Resolution to remove territory not served by district; hearing; notice; election on question of removal; effect of removal. (1) When any parcels of territory within an existing district are not being served by the district, the board of directors of the district may fix a place and time for a public hearing to consider the removal of such parcels from the district.

(2) Notice stating the time and place of the hearing shall be published in accordance with ORS 261.161 (1). The hearing may be adjourned from time to time, but shall not exceed four weeks in length. Public testimony shall be taken at the hearing.

(3) Upon conclusion of the public hearing the board may by resolution remove such parcels, or any of them, from the district. The resolution shall become effective 30 days after passage, unless written requests for an election are filed as provided by subsection (4) of this section.

(4) If written requests for an election are filed with the board within 30 days after passage of the resolution by not less than 15 percent of the electors or 100 electors registered in the parcels to be removed, whichever is the lesser number, an election on the question of removal of the parcels described in the resolution shall be held on the next scheduled general or special election date.

(5) The electors eligible to vote in the election described in subsection (4) of this section shall be those electors who reside on the parcels described in the resolution.

(6) From the date of removal, liability of the territory removed from the district for assessments and taxes levied after the date of removal by the district and for bonded and other indebtedness shall be in accordance with ORS 198.880 and 198.882. [1987 c.824 §3]

261.150 [Repealed by 1979 c.558 §30]

261.151 Hearing on district formation by Director of Department of Energy; notice; report by director. Upon certification of a petition for formation or adoption of a resolution by the county governing body for district formation, the county clerk shall submit a copy of the resolution or petition, without signatures attached, to the Director of the Department of Energy. Not less than 30 days after

receipt of the petition or resolution copy, the director shall hold a hearing within the proposed district for the purpose of receiving public testimony on the proposed district formation. Notice of the hearing, stating the time and place of the hearing, together with the electors' petition, when applicable, without the signatures attached, shall be published at least two times prior to the date of the meeting. The first publication shall not be more than 25 days nor less than 15 days preceding the hearing and the last publication shall not be more than 14 days nor less than eight days preceding the hearing. Within 60 days after receipt of the petition or resolution copy, the director with the advice and assistance of the Public Utility Commission of Oregon shall prepare and publish a concise report showing the availability and cost of power resources, potential tax consequences and any other information considered by the director to be relevant to the proposed formation of the district. A copy of the report shall be mailed, upon publication, by the director to the county governing body. [1979 c.558 §12a]

261.155 [Repealed by 1979 c.558 §30]

261.160 [Repealed by 1979 c.558 §30]

261.161 Hearing by county governing body; notice; determination of boundaries.

(1) After certification of a petition, or passage of the resolution when the formation, annexation or consolidation proposal is by resolution of the county governing body, the county governing body shall, within 10 days, fix a date for a hearing on the boundaries described in the electors' petition or resolution of the county governing body for inclusion in the proposed or established district. The hearing shall be held by the county governing body not less than 60 days nor more than 90 days after certification of the petition or passage of the resolution. Notice of the hearing, stating the time and place of the meeting, together with the electors' petition, when applicable, without the signatures attached, shall be published at least two times prior to the date of the meeting. The first publication shall not be more than 25 days nor less than 15 days preceding the hearing and the last publication shall not be more than 14 days nor less than eight days preceding the hearing. Notice of the hearing, and all other publications required by this chapter, shall be published in at least one newspaper of general circulation in the proposed or established district. The hearing may be adjourned from time to time, but shall not exceed four weeks in total length. Public testimony shall be taken at the hearing.

(2) Based upon the record of the hearing prescribed in subsection (1) of this section on the

**Report on the Proposed Rockwood Water
People's Utility District**

**Oregon Department of Energy
Salem, Oregon
November 9, 1989**

November 9, 1989

Report on the Proposed
Rockwood Water Peoples' Utility District

Oregon Department of Energy
Salem, Oregon

Introduction

Pursuant to ORS 261.151 the Oregon Department of Energy (ODOE) has written this report on the proposed Rockwood Water Peoples' Utility District (Rockwood PUD). The report sets forth ODOE's comments on the availability and cost of water to the proposed district. It also comments on the tax effects if such a district is formed. The report is based on ODOE's own data, and information taken at a public hearing. ODOE is aided by the Public Utility Commission staff in writing this report. But, the conclusions herein are solely ODOE's.

Background

Creation of a PUD is authorized by Article IX, Section 12 of the Oregon Constitution as implemented by ORS Chapter 261. By law, ODOE must conduct a public hearing after a petition to form a PUD has been filed with and certified by the County. Changes made by the 1979 Legislature limit ODOE's duties. This report does not take the place of an engineering study; it is not an in-depth economic feasibility study; it is not advice on whether a PUD should be formed.

A petition to form a PUD was filed with Multnomah County on August 31, 1989. It was certified by the County on September 1, 1989. The County sent the petition to ODOE on September 12, 1989, and it was received by the Oregon Department of Energy on September 14, 1989. The PUD would include portions of Multnomah County generally covered by the existing Rockwood Water District, although not completely so. The proposed PUD's boundaries would be roughly 141st Avenue on the west, Interstate 84 on the north, 235th Avenue on the east, and Southeast Division Street on the south.

Summary of Major Issues

Under ORS 261.151, the Department is required to conduct a hearing and issue a concise report not less than thirty days nor more than sixty days after receipt of the petition. The Department's window began on October 14, 1989, and ends November 13, 1989, both to hold a hearing and complete its report. By statute, the Department is directed to write a concise report ". . . showing the availability and cost of power resources, potential tax consequences, and any other information considered by the Director to be relevant to the proposed formation of the District."

While the wording of Section 261.151 in terms of issues appears to imply electricity, in fact the Department is charged with conducting a hearing and writing a report on petitions to form all PUDs. PUDs, once formed, can provide electricity or water service. There is no restriction, once a PUD is formed, on any of the services authorized by ORS Chapter 261. Specifically, ORS 261.305 provides that PUDs may "... acquire, develop, and otherwise provide for a supply of water for domestic and municipal purposes, waterpower, and electric energy, or electric energy generated from any utility, and to distribute, sell, or otherwise dispose of water, waterpower, and electric energy within or without the territory of such districts."

The issues discussed at the October 16, 1989 hearing were limited to formation of a PUD to replace the water service provided by Rockwood Water District. In fact, no one provided testimony that the intent was to provide electric service. To the contrary, the PUD sponsors made it clear that their intent was to provide only water service. The PUD sponsors confirmed this intent further in written correspondence to ODOE after the hearing. In fact, all the information which ODOE received has focused exclusively on water service. Nevertheless, a PUD when formed would probably have the legal authority to offer water or electric service.

Summary of the Hearings

Presentations were made by the Rockwood PUD sponsors and by the City of Gresham.

The PUD sponsors believe that the Rockwood Water PUD would be able to continue the service provided by Rockwood Water District. The Water District staff and Board of Directors support formation of the PUD. Some of the chief petitioners of the proposed PUD are directors of the Rockwood Water District. The District believes that formation of the PUD is a desirable alternative to annexation by other cities, principally the City of Gresham and the City of Portland.

The City of Gresham responded that formation of a PUD would not insure service as reliable as annexation and service by the City of Gresham. The City also pointed out a long-standing agreement between the City and Rockwood Water District about the gradual withdrawal of service by the District and takeover of service by the City of Gresham.

In addition to the PUD sponsors and the City of Gresham, all other people who wished to testify or present a statement were allowed to do so. About 15 people spoke at the hearing. It ran from 7 p.m. to about 9:45 p.m. on October 16, 1989.

Written information was also provided after the hearing by the PUD supporters among others. The Department also received written information from the City of Portland opposing the PUD and supporting annexation.

Discussion of Major Issues

Supply and Cost of Power and Water

Provision of electricity was not an issue in this hearing. No information was provided on it.

Both Rockwood Water District and the City of Gresham provided testimony on their respective sources of water. These include, among others, the Bull Run watershed (through contracts with the City of Portland), and agreements with other cities and municipal corporations. In general, it appears that the Rockwood PUD and the City of Gresham would have access to adequate supplies of water.

Sufficient storage capacity was raised as a concern in the hearing. In fact, the Rockwood PUD proponents raised the issue with respect to the City of Gresham. And, the City of Gresham raised the issue with respect to Rockwood Water District. Each side provided engineering studies and financial studies in support of their positions.

In contrast to most PUD petitions the Department has confronted, this petition does not primarily involve whether a PUD would provide cheaper rates than the utility providing the existing service. What is really involved in this proceeding is a question of annexation by local governments.

However, rates for service were an issue. For example: Rockwood Water District's residential rates are less than the City of Gresham's but Rockwood's commercial rates are higher than Gresham's.

The City of Gresham points out that it has made substantial improvements in anticipation of incorporating the Rockwood Water District pursuant to an interagency agreement signed in 1984. The contract expired this year. There was dispute in the hearing as to why it expired and was not renewed. The cost of those improvements is in part the reason that Gresham's rates, at least for homeowners, are higher than the Rockwood Water District's.

Setting rates involves a lot of flexibility and variables, including the need for capital reserves. The City of Gresham currently has a substantial reserve set aside for capital improvements. The Rockwood Water District also has a reserve for capital improvements. Both reserves appear to be reasonable to meet the needs of the systems. Both systems provide adequate service. Both also appear to have reasonable approaches to providing future service.

However, each side disputed the long-range plan of the other and the ability to meet that plan without significantly raising rates. Because of the variables involved in establishing rates, the Department cannot easily conclude whether a PUD's water rates would be more or less for each class of customer than future water rates of the City of Portland or the City of Gresham.

The only clear adverse rate impact caused by the annexation plan would be to a small portion of the Rockwood Water District that would not be incorporated into Portland or into Gresham if the current annexation plans are completed. This unincorporated area is about 25% of the current water district. This area would carry 100% of the current district's financial obligations, which could double rates for that area. This kind of result would be inequitable and does not represent good water policy, good economic policy or good annexation policy. If annexation goes forward, this issue needs to be addressed so that the citizens not incorporated by either Portland or Gresham are not so severely impacted by the actions of those municipalities.

Unresolved Legal Issues

The proposed PUD is primarily an attempt to defeat annexation plans. The Rockwood Water District would largely, but not entirely, be incorporated and annexed by the City of Gresham or by the City of Portland under current annexation plans. The Rockwood Water District opposes annexation and is using the vehicle of a PUD to try to prevent it. Whether formation of a PUD would prevent the area from being annexed by Gresham and by Portland is unclear under current Oregon law.

Changes by the 1989 Legislature also modify the process for certifying petitions to form Peoples' Utility Districts. For the first time, the boundary commissions may be involved. The Attorney General's office has looked at this issue at ODOE's request.

Specifically, the Attorney General's office provided the following analysis:

The local government boundary commission statutes were amended by the last session of the legislature. (Oregon Laws 1989, chapter 92.) Under these amendments, boundary commissions now have authority to consider proposals to establish any district, including a PUD, which supplies or seeks to supply domestic water. Oregon Laws 1989, chapter 92, § 10 (amending ORS 199.420).

The Act amending ORS 199.420 became effective on October 3, 1989. The Rockwood PUD petition was certified by the Multnomah County Elections Division on September 1. Nonetheless, there is at least some question regarding whether the boundary commission has jurisdiction to review the Rockwood PUD proposal. The Multnomah Board of County Commissioners has not transferred the certified petition to the boundary commission, however, and it appears that the County intends to proceed on the assumption that this petition is not subject to boundary commission review.

Litigation is pending currently over the City of Gresham's annexation plans. Information was introduced on the litigation at the hearing. That litigation, as well as interpretations of the changes made by the 1989 Legislature, will need to be resolved before the ultimate fate of the annexation plans can be resolved.

There is also a question as to whether a Water PUD could provide irrigation service to the current irrigation customers of Rockwood Water District. The Public Utility Commission staff has pointed out that ORS 261.010(6) which governs PUDs limits the definition of a utility to preclude irrigation or reclamation purposes. The transmission of water for irrigation by the PUD would probably have to be a separate type of operation. What impact that would have on voting rights, PUD taxes, separate rate structures, and other considerations are unclear at this point.

It is not clear how this provision interrelates to other chapters of Oregon law regarding water service. For example, ORS Chapter 225 involves municipal utilities; ORS Chapter 264 involves water supply districts, ORS Chapters 545, 548 and 554 involve irrigation districts, and ORS Chapter 552 involves water improvement districts.

Because of the limited nature of ODOE's review, resolution of the legal questions raised by these different provisions is beyond the scope of this report. However, ODOE encourages the proponents and opponents of the proposed PUD to explore these issues completely.

Regardless of the legal uncertainties, ultimately whether the cities or the PUD would provide better service is problematic. Each is capable of providing adequate service. Whether the citizens are better served over-all by annexation or by continuing as an unincorporated area, present issues beyond this Department's jurisdiction. Ultimately those issues must be decided by judgments the voters make, taking into account considerations other than energy and water after the legal issues mentioned above are resolved.

Taxing Authority of the District

Under Oregon law, a PUD has the power to levy and collect property taxes after its formation but before its activation. Tax revenues would be used to pay operating expenses such as engineering, financial, and legal fees while the system acquisition is under study. In any one year the tax cannot exceed 1/20th of one percent of the true cash value of all taxable property within the District. Over the permitted ten-year span the tax cannot exceed in the aggregate 1/4th of one percent of the true cash value.

Tax Effects

The tax effects of forming a PUD to replace the Rockwood Water District are probably insignificant. The Rockwood Water District is a municipal corporation under Oregon law. As such, the District can raise revenues through water bills. It also can assess a property tax. A PUD could do the same if necessary.

Conclusion

This report makes no recommendation regarding the formation of the proposed Rockwood PUD. Either the formation of the PUD or the annexation of the existing Rockwood Water District service area by the cities of Portland and Gresham would likely provide a similarly acceptable level of service to the citizens involved. It is not clear whether rates for all classes of customers would necessarily be higher or lower choosing either option of service.

The issues that determine whether a PUD should be formed in this case do not involve energy issues. Instead, they involve local control, annexation, and local boundary issues beyond the scope of this report. The 1984 agreement between the Rockwood Water District and Gresham provided for arbitration of disputes between the parties. It is unfortunate that arbitration to resolve these problems did not take place. The disagreements between the Rockwood Water District and Gresham might not have occurred if arbitration had been used.

PUBLICATION		11		00		02x18.00		03	
SATURDAY		MULTNOMAH COUNTY		11/04/89		23578		MAIN	
11/04/89		23578		MAIN		03			



MULTNOMAH COUNTY

NOTICE OF HEARING

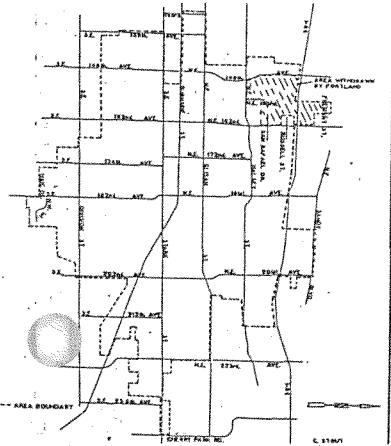
The Multnomah County Board of Commissioners will hold a hearing on the boundaries of the proposed Rockwood Water Peoples Utility District on Tuesday, November 21, 1989, at 7:00 PM at the Reynolds Middle School Cafeteria, 1200 NE 201st, Troutdale, Oregon.

All interested persons may attend and will be heard. Testimony may be limited to 3 minutes per person. Written comments may be submitted to the Clerk of the Board's Office, 1021 SW Fourth, Room 606, Portland, OR 97204.

The petitioners statement, the proposed legal description and map of the proposed Rockwood Water PUD is as follows:

We, the registered voters of the affected district, desire to form an unincorporated PEOPLE'S UTILITY DISTRICT and request that the election be held on May 22, 1990 within the boundaries described below for the formation of such a district, to be created under the procedures set forth in ORS Chapter 261. The name by which the district is to be known is ROCKWOOD WATER PUD. It is hereby proposed that the ROCKWOOD WATER PUD, is formed, be authorized to impose a special levy of \$3,000 to finance the required engineer's report on revenue bonds for the acquisition or construction of the initial utility system, and to finance the election required under ORS 261.355(5) and (6).

In the event the people within any one or more municipalities or separate parcels of territory within the proposed district vote against its formation, then that portion of the district which voted in favor of the organization of the ROCKWOOD WATER PUD may be organized into the district.



The entire boundaries of the District shall lie within Multnomah County, beginning at the center line of SE 182nd Avenue approximately 1,950' north of SW corner of Section 8, T 1 S, R 3 E; thence easterly 300'; thence northerly 170'; thence easterly 1,317'; thence northerly 20'; thence easterly 530'; thence northerly 420'; thence easterly 93'; thence northerly 1,450'; thence easterly 1,785'; thence north easterly 1,100'; thence easterly 193'; thence northerly 215'; thence easterly 660' to the NE corner of Section 8, T 1 S, R 3 E; thence northerly along the center line of 202nd Avenue 3,128'; thence easterly 720'; thence south easterly 580'; thence northeasterly 10'; thence southeasterly 84'; thence southerly 62'; thence easterly 102'; thence southeasterly 2,428'; thence easterly 1,580'; thence northerly 610' to the center line of Burnside Street; thence north westerly along said center line 1,630' to the intersection of the center lines of Burnside Street and Farris Road; thence easterly 560'; thence northerly 810'; thence westerly 625'; thence northerly 395'; thence easterly 264'; thence southerly 113'; thence easterly 557'; thence northerly 90'; thence easterly 1,330'; thence southerly 560'; thence easterly 980'; thence northerly 665'; thence easterly 805'; thence southerly 665'; thence easterly 675'; thence northerly 2,080'; thence easterly 2,650'; thence northerly 480'; thence westerly 2,250'; thence southerly 242'; thence westerly 215'; thence southerly 215'; thence westerly 1,912'; thence northerly 537'; thence westerly 935'; thence northerly 2,800'; thence westerly along the center line of Gilson Street 4,150'; thence northerly 2,050'; thence easterly 970' along the center line of Halsey Street; thence northerly 1,800' to the southern right-of-way line of O.W.R.&N. Company; thence westerly along said right of way line to the centerline of 201st Avenue; thence northerly 715'; thence easterly 860'; thence northerly 258'; thence westerly 860'; thence northerly 1,375'; thence westerly along the center line of Sandy Boulevard 3,200'; thence southerly 1,865'; thence westerly along O.W.R.&N. Company to the center line of 181st Avenue; thence southerly 430'; thence westerly 320'; thence northerly 180'; thence generally westerly following the Interstate 84 southern right-of-way 2,020'; thence southerly 45'; thence north westerly 365'; thence westerly 450'; thence southerly 110'; thence westerly 1,680'; thence southerly 80'; thence westerly 860' more or less; thence southerly 550'; thence generally easterly 850'; thence southerly 1,500' more or less; thence westerly 880'; thence northerly 100'; thence westerly 150'; thence northerly 130'; thence westerly 300'; thence northerly 80'; thence westerly 870'; thence southerly 1,300' to the north right-of-way of NE Halsey; thence westerly 1,185'; thence generally north westerly to the western right-of-way line of NE 148th Ave.; thence generally northerly 2,800'; more or less; thence westerly 800' more or less; thence southerly 1,820'; thence westerly 850'; thence southerly 1,800'; thence easterly 1,010'; thence southerly 2,650'; thence westerly 3,685'; thence southerly 1,440'; thence easterly 5,310'; thence southerly 1,010'; thence westerly 3,980'; thence southerly 2,710'; thence easterly 650'; thence southerly 1,160'; thence easterly 4,335'; thence northerly 20'; thence easterly 335'; thence southerly 20'; thence easterly 665'; thence southerly 20'; thence easterly 670'; thence southerly 60'; thence easterly 1,330'; thence southerly 1,330'; thence easterly 700'; thence southerly 1,320'; thence easterly 1,020'; thence northerly 42'; thence easterly 370'; thence southerly 710'; thence easterly 330'; thence southerly 615'; thence easterly 1,855'; thence southerly 650' to the point of true beginning.

Persons with questions can call the Clerk of the Board's Office at 248-3277.

JANE MCGARVIN
CLERK OF THE BOARD
1021 SW FOURTH, ROOM 606
PORTLAND, OR 97204

FINANCIAL FEASIBILITY ROCKWOOD PEOPLES UTILITY DISTRICT

The withdrawal of service responsibilities from the Rockwood Water District will have significant financial consequences on its current customers. Customers absorbed by the city of Gresham can expect their rates to increase immediately by approximately thirty one percent (31%). Because of Gresham's ambitious water investment program, rates are expected to increase even more in the future. On the other hand, customers remaining in the Rockwood Water District will be subjected to a doubling of their water rates to cover costs. Alternately, if the Rockwood Peoples Utility District assumes water service delivery, rates will remain at their current level of 1.05/ccf.

Rockwood Water Peoples Utility District's boundaries are roughly 141st Avenue on the west, Interstate 84 on the north, 235th Avenue on the east and S.E. Division on the south. The most likely alternative to Rockwood Water Peoples Utility District's is that the fifty four year old district will be divided into three distinct pieces, the remaining Rockwood Water District, and the portions assigned to the cities of Gresham and Portland. The basic estimated data associated with each of these components is shown in Table I.

Detailed evaluations of the Rockwood Water District budget are performed to structure the initial financial considerations for Rockwood Water Peoples Utility District. The Rockwood Water District budget is separated into its major activities. Fixed, variable, direct and indirect costs are identified and assigned to performance measures to derive unit costs. The unit cost values

Table I - Basic Data for Alternative Rockwood Service Providers

MEASURE	Existing Rockwood	Remaining Rockwood	Gresham	Portland	P.U.D.
Bills Produced	86,228	27,615	50,415	8,198	82,646
Meter Readings	48,028	21,786	39,774	6,468	65,202
Water Sales (ccf)	2,300,000	460,000	1,631,000	207,000	2,208,684
Sales/Service (gd)	417	260	506	378	418
Meters	11,338	3,631	6,629	1,078	10,867
Hydrants	697	209	441	47	668
Mains (Feet)	766,958	188,695	476,025	102,238	742,300
4" Mains	218,995	77,060	119,160	27,216	213,754
Percent	28.50%	40.84%	25.03%	26.62%	28.80%
Storage (MED)	17.0	14.5	2.5	0.0	17.0

are then used to construct a new budget to provide the required services of the Rockwood Water Peoples Utility District.

As shown in Table II, Operation and maintenance expenses for the Rockwood Water Peoples Utility District are

expected to be just over \$2 million. Operation and maintenance includes all District costs for administration, reading meters, billing, customer service, maintenance and repair of facilities. The only expenses not included are those associated with capital improvements.

Cost Category	Rockwood	Gresham	Remaining Rockwood
O & M	\$2,062,206	\$2,125,986	\$736,078
Depreciation	\$308,026	\$324,485	\$184,816
Debt Interest	\$34,660	\$357,327	\$10,398
Total Costs	\$2,404,892	\$2,807,798	\$931,292
Water Sold (ccf)	2,300,000	2,039,490	460,000
Cost/cf	\$1.05	\$1.38	\$2.02

In addition to operation expenses, Rockwood Water Peoples Utility District customers must pay for use of facilities and servicing the debt incurred to initially build the system. These costs are shown in Table II as Depreciation and Debt Interest. Thus the total costs expected to be incurred by Rockwood Water Peoples Utility District patrons is just over \$2.4 million annually.

The precise rates needed to recover the above identified costs will be determined by the Rockwood Water Peoples Utility District Board through a cost of service analysis. If expenses were all charged on the basis of water used, each 100 cubic feet of water would cost \$1.05.

Within the annual improvement budget of Rockwood Water Peoples Utility District more than \$750,000 have been set aside. Independent engineering evaluation of facilities has shown that very few improvements are needed if the district is kept intact. There are no pipeline deficiencies currently and none are anticipated. The capital issue which needs to be addressed is that the District has a considerable number of 4" steel mains. Some reasonable allowance should be made to replace these lines when needed.

If the Rockwood Water Peoples Utility District is not formed, Gresham will assume water service responsibility for over 6,600 of Rockwood Water District's 11,340 customers. Along with the patrons, Gresham will assume responsibility for 441 hydrants, 476,025 feet of mains and 2.5 million gallons of storage.

To determine the impact on Rockwood Water District customers, the current Gresham financial information was analyzed and compared with existing Rockwood Water District data. The relevant information is shown in Table II. It costs almost thirty one percent more than the Rockwood Water Peoples Utility District.

The differences in rates between the Rockwood Water Peoples Utility District and Gresham will become greater in the future. The reason for this is that, unlike Rockwood Water Peoples Utility District, Gresham is anticipating a need for considerable capital improvements. Over the foreseeable future, the city is planning to spend almost \$10 million to meet its capital needs. This will translate into higher rates for customers transferred to Gresham.

Rockwood Water District patrons most severely impacted if the Rockwood Water Peoples Utility District is not formed will be the area of the current district not absorbed by either Portland or Gresham. As shown in Table II, the total annual costs for the remainder of the Rockwood Water District will be less than \$1 million. Operation and maintenance expenses are expected to be just over \$700,000. These are estimated on the basis of the workload expected from the remaining customers and facilities.

If the Rockwood Water Peoples Utility District is not formed, the costs of water service to the remainder of the Rockwood Water District patrons will rise dramatically. Instead of \$1.05 per 100 cubic feet of water purchased, their costs will almost double to \$2.02.

ROCKWOOD WATER DISTRICT
CAPITAL IMPROVEMENTS ASSESSMENT

OCTOBER 1989

LEE ENGINEERING, INC.
1300 John Adams Street
Oregon City, Oregon 97045-1631
(503) 655-1342

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ROCKWOOD WATER DISTRICT
CAPITAL IMPROVEMENTS ASSESSMENT



OCTOBER 1989

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(Not included in this copy - available at the Rockwood Water District)

ROCKWOOD WATER DISTRICT

CAPITAL IMPROVEMENT ASSESSMENT

1. INTRODUCTION

1.1 STUDY PURPOSE AND SCOPE

The purpose of this study is to assess the existing physical condition of the Rockwood Water District from a technical viewpoint. The District is in the process of reviewing various options of future concern and wishes to have a professional opinion as to the condition of its existing physical assets in order for these facts to be considered in its deliberations.

The scope of this report is limited to availability of existing information. Future studies of a more comprehensive nature are planned by the District. Particularly, a master plan is being prepared for publication in the next few months.

The scope of this report includes an assessment of the following major items.

- *Water production, consumption and loss*
- *Water supply*
- *Distribution, storage and booster pumps*
- *Telemetry and control systems*
- *Transmission distribution system*
- *Capital Improvement Program*
- *Maintenance and operation program*

In order to perform the assessment in the limited time available, the information reviewed was compared to similar information of other districts and cities in the Portland region, east Multnomah County, and other areas throughout Oregon. The information was also compared to professional standards. From these comparisons, an opinion was formulated as to the condition of the Rockwood Water District.

1.2 SUMMARY OF CONCLUSIONS

The Rockwood Water District was formed in 1925 to provide water service to approximately 9.9 square miles of unincorporated area in East Multnomah County. The District boundaries are roughly 141st Avenue on the west, I-84 on the north, 235th Avenue on the east and S.E. Division Street on the south.

Since the early 1980's, the Cities of Portland and Gresham have been aggressively annexing the unincorporated areas between their borders.

Because of these annexation issues and because the District may be left with operating its water system with reduced resources, it is important to know the condition of the existing water system. Therefore, the District Board and staff have retained professional consultants to render opinions about the condition of the District's physical assets.

A study was undertaken to review the assets from information readily available. A summary of the conclusions drawn from that assessment follows:

- *WATER SUPPLY* - The water supply includes connections to the City of Portland Bull Run conduits and to wells. The water supply is adequate to meet current and future needs of the District.
- *WATER LOSS* - Over the past few years water loss varied from 12% to 17%. This compares with other water districts in the Portland region which have losses from 8% to 25%. Rockwood's water loss rate is within an acceptable range. The loss rate shows a steady decline indicating the aggressive action of the District to upgrade or replace leaking pipelines.
- *RESERVOIRS* - The District has entered into an agreement with the Powell Valley Road Water District for additional storage capacity. This added capacity together with the District's existing storage meets or exceeds the standards of the American Water Works Association, Ten State Standards, and OAR, Chapter 333. The physical structures are sound. Storage is adequate and reliable.
- *TELEMETRY AND CONTROL* - The District recently purchased new telemetry equipment. However, some additional work needs to be done to make the system totally operable. Before the decision is made to continue with upgrading the telemetry system, the District needs to have a resolution concerning various annexation issues. Annexations significantly affect the level of need for telemetry and supervisory control.
- *TRANSMISSION AND DISTRIBUTION SYSTEMS* - The transmission and distribution systems are in good shape. The systems meet or exceed the domestic water delivery standards of the American Water Works Association, Ten State Standards, and OAR, Chapter 333.
- *CAPITAL IMPROVEMENT PROGRAM* - The District currently budgets approximately \$650,000 to \$750,000 per year for capital improvements. This rate of investment is higher than other water districts in the area of comparable size.
- *MAINTENANCE AND OPERATION PROGRAMS* - The general maintenance and operation programs were reviewed and were found to be adequate when compared to the standards of the industry. Comparison with other districts shows that staff, equipment and facilities are equal to or better than most.
- *PRESSURES* - Pressures have been set to acceptable minimum standards of 20 psi (OAR, Chapter 333-61-050)(9N)(E). Maximum pressures are within allowable limits and are controlled by individual pressure regulating valves on individual services.

In summary, the Rockwood Water District's physical assets appear to be in good to excellent condition. No major deficiencies were noted. The minor deficiencies that exist will be corrected as the issues of annexation are resolved.

2. WATER LOSS ANALYSIS

Table 1 provides a nine-year history of Rockwood's water production, sales and losses expressed in million cubic feet per fiscal year. Total production is the sum of purchases of water from Portland and Rockwood's well production. Total sales represent the sum of all individual customer meter readings within the District. Water loss is calculated as total production minus total sales. Beginning in FY 85-86, Rockwood staff estimated unmetered water uses which include water line flushing, main breaks, street sweeping and hydrant testing. By adding the unmetered use to sales and subtracting the sum from total production, the water loss amount represents an estimate of water lost through under-registering water meters and leaks in the transmission and distribution system.

Figure 1 shows that water loss as a percentage of total production has ranged between 12% and 17% between FY 85-86 and FY 88-89. Typically, losses for water utilities west of the Cascades range between 8% and 25%. Therefore, Rockwood's loss rate is within an acceptable range and reflects the generally good condition of its distribution and transmission pipelines and quality of its meter maintenance program.

3. WATER SUPPLY

Rockwood presently obtains all its water from metered connections to Portland's Bull Run conduits as shown in Table 2. The District's 140 gallon per minute (gpm) well at the Cascade Reservoir and the 2,000 gpm well at N.E. 185th, north of Sandy Boulevard, are no longer used. Each metered connection, except the ones at S.E. 148th and S.E. 202nd, has a pressure regulating valve set to the pressure listed in the Table. The sum of the meter vault elevation and the pressure downstream of the pressure regulating valve equals the hydraulic grade line (HGL) or the elevation to which water will rise in an open-ended vertical pipe. The S.E. 235th meter with an HGL of 582 feet serves the higher elevation eastern end of the District to approximately 202nd Avenue. The S.E. 148th, 182nd, 192nd and 202nd master meters serve the lower, western half of the District. All five meters are capable of providing 14,700 gpm or 21.18 million gallons per day (mgd). Thus, the supply has adequate capacity because it exceeds the present peak day demand of 14 mgd.

The reliability of Rockwood's supply is excellent because Portland has two sources: the Bull Run gravity surface supply and the Columbia River and Blue Lake wells. The well water can be back fed to Rockwood from Portland's Powell Butte Reservoir through the Bull Run conduits. Of the three Bull Run conduits, Rockwood's meters connect to conduits 2 and 4 as shown in Table 2. Thus, if one conduit is down for repairs, average day demand for the entire District can be met by two meters connected to the conduit in service. Minor adjustment of the meter pressure regulating valves may be necessary to serve the high elevation, east end of the District.

Water quality is considered to be good to excellent. Since Rockwood obtains water from the Bull Run system, the water quality is the same for Rockwood as it is for Gresham and all other users who purchase Bull Run water. The quality of the water exceeds the EPA standards, except for minor periods of turbidity when the clarity of the water does not meet standards. When this occurs, it is the intent of the

City of Portland to switch to its well water supply. The well water also exceeds EPA National Interim Primary Drinking Water Regulations.

Rockwood also possesses two wells which produce water of a quality exceeding EPA standards. Although not currently in use, the wells can be activated to meet emergency needs.

4. STORAGE RESERVOIRS AND BOOSTER PUMPS

A review of water industry standards (such as OAR, Chapter 333, the Ten State Standards and AWWA Standards) indicates that the amount of required storage is not set and that various factors unique to each system should be considered when determining the final storage quantity. Economic considerations often play a major role in the final decision. In all instances, cost of storage must be balanced against cost of supply, increased fire protection, power costs, reliability of supply and power, etc.

Storage requirements are somewhat subjective and are usually calculated according to good engineering practice on the basis of peak day demand plus fire flow. This amount of storage allows a major fire to be fought during the peak summer day demand while the supply system is out of operation. The present peak day demand is estimated at 14 mgd. The peak fire flow is 6,250 gpm for a duration of two hours. This equates to .75 million gallons (mg) of fire storage. Thus, the total storage needed is approximately 15 mg.

Another requirement for storage is the District's contract with Portland. By reference, the Portland Code, Chapter 21.28.060 states that wholesale water purveyors outside the Portland city limits are to provide a minimum of three times their average day consumption. Since Portland has not met this requirement and since most of the wholesale users have not met it, this provision has never been enforced. If this provision is required in the future, and since average consumption is about 5.6 mgd, then 16.8 mg is required under this approach. Whether fire flows and peaking factors need to be added to this amount is subjective. Further analysis may be required to develop a definitive answer.

Table 3 inventories Rockwood's currently operational storage reservoirs. Structurally, the reservoirs are sound and the paint on the steel tanks is well maintained. Note that the overflow elevation of each reservoir is lower than the HGL of the master meter which fills it. Consequently, the reservoirs all fill by gravity but they must be emptied by pumping, except under conditions of local, heavy demand. Thus, each reservoir has a booster pumping system as shown in Table 3. The pumps and piping are in good operating condition.

In terms of capacity, the total currently available storage is 11 mg which is 4 to 6 mg less than is required. Consequently, Rockwood has negotiated with Powell Valley Road Water District to lease 6 mg of its excess storage capacity on Powell Butte. The storage will be connected to Rockwood's system in the vicinity of S.E. 174th and Division.

In terms of delivery capability, the capacity of the booster pumps limits the combined flow rate from all reservoirs to 6,500 gpm or 9.37 mgd. This rate approximates the peak fire flow requirement, but provides nothing extra for the 14 mgd peak day demand. This delivery capability is dependent on uninterrupted commercial power, since there is no auxiliary generation equipment at any of the reservoir sites. However, commercial power outages are most likely to occur during winter ice storms when water demand is lowest. Historically, these outages are of short duration, generally less than one-half hour.

In summary, existing storage facilities have insufficient storage volume and insufficient booster pumping capacity to meet peak day and fire flow demand simultaneously by themselves. However, when they are operated in conjunction with the highly reliable Bull Run supply, the Powell Valley Road Water District reservoir system, and the strong Rockwood transmission and distribution system discussed below, fire flow and peak day demands can be met simultaneously.

5. TELEMETRY AND CONTROL SYSTEMS

The booster pumps at the N.E. 141st and Cleveland Avenue reservoirs are controlled by pressure switches located on the tank inlet lines. They activate the pumps in response to low system pressure. The pump system operates automatically during the high demand summer months to supply needed water during the peak hour daytime period and to refill the tank by gravity during the off-peak night time hours. However, because the system HGL is higher than the Cleveland Avenue tank overflow levels at all times, the Cleveland Avenue booster pump never operates automatically. In order to turn over the reservoir contents, Rockwood staff must isolate the Brentmor subdivision in the northeast corner of the District from the rest of the system and serve it from the two Cleveland Avenue tanks. The Cascade Reservoir booster pumps were originally designed to pump well water from the reservoir into the Rockwood distribution system. Therefore, they are controlled by the reservoir level. Now that the wells are no longer used, control of the booster pumps must be changed to pressure switches which activate the pumps in response to low system demand. Until this is done, the pumps must be operated manually.

In summary, the 141st Avenue booster system operates satisfactorily in the automatic mode, but the other two booster stations do not. Relatively minor control system modifications can correct the problem at the Cascade Reservoir.

The original telemetry system allowed Rockwood personnel at the District office to monitor pressure at the 192nd Avenue master meter, flow at the 148th, 192nd and 235th Avenue master meters, and tank levels at the 141st, Cascade and Cleveland Avenue Reservoirs. This system has fallen into some disrepair to the point where only flow and pressure can be monitored at the 192nd master meter and flow at the 148th master meter. Ideally, to control system operation in order to avoid future City of Portland peaking charges, flow and pressure should be monitored at each master meter, water level in each reservoir should be monitored, and each booster pump facility should be monitored and remotely controlled. The master control panel in the office and signal transmission and receiving equipment has recently been modified and some older equipment has been scrapped. Some additional work needs to be completed to make the system totally functional, but the decision to go ahead with this work has been delayed until many of the annexation issues are resolved. To finish this work at this time may prove to be a waste of money.

6. TRANSMISSION AND DISTRIBUTION SYSTEMS

Rockwood's transmission system consists of 41.8 miles of 10-inch to 24-inch diameter mains installed along arterial streets. Its distribution system consists of 105.3 miles of 2-inch to 8-inch lines installed primarily in residential areas. As shown in Table 4 and Figures 2.1 and 2.2, the transmission mains are primarily 12-inch diameter and the distribution lines are primarily 4-inch, 6-inch, and 8-inch diameter. The 4-inch lines are installed in the older subdivisions prior to 1970. Since that time, Rockwood has required a minimum line size of 6 inches.

Figures 3.1 and 3.2 inventory the transmission and distribution systems by pipeline material. Approximately 37% of all mains are ductile iron (D.I.) installed between 1966 and 1989; 32% are cast iron (C.I.) installed between 1959 and 1986; and 30% are steel (STL) installed between 1959 and 1965. Approximately 23% of the steel lines have been lined with cement during 1971-72 to retard corrosion. Table 4 and Figures 4.1 and 4.2 show that the transmission mains are 67% D.I. and 21% cement lined steel (STLCL) which means that they are in good condition and are no older than 23 years. The distribution lines are roughly 25% D.I., 42% C.I. and 31% steel. Thus, the distribution system is older than the transmission system as evidenced by its greater percentages of cast iron and steel lines. Service lines are approximately 88% copper and 12% galvanized iron. The galvanized lines are 30-40 years old.

Our previous hydraulic analysis work has shown that the transmission system is very adequately sized for peak day demand and fire flow. However, the 4-inch residential grids are not adequate to provide domestic fire flows and certain portions of the 6-inch and 8-inch residential grids cannot furnish the 4,000 - 6,000 gpm fire flows required at neighborhood schools. Because of their limited fire flow capacity and because over 55% are steel, the 4-inch lines should be replaced with 6-inch minimum D.I. lines. Thus, with the exception of the 4-inch lines which make up 27% of the total water lines, the transmission and distribution systems are adequate to serve Rockwood.

A review of other water systems in East Multnomah County indicates similar problems with 4-inch and smaller lines. The standard of the water works profession in the 1950's and 1960's allowed for these smaller pipes. Since the late 1960's, more emphasis has been placed on fire protection which dictates larger pipe sizes in residential areas. Consequently, most cities (including Gresham) and districts are in the process of replacing their smaller mains with larger ones. Since the small pipes were generally constructed of steel which corrodes faster than cast iron or ductile iron, they are being replaced with larger and better pipe when they reach their service life of 30 to 50 years. At this point they begin to leak and need to be replaced in any event. Pressures in the distribution system vary from about 30 pounds per square inch (psi) to 140 psi. This results from the fact that the system is operated as a single pressure system without area-wide pressure regulating valves and that the ground elevation in the Rockwood service area varies from 100 feet mean sea level (msl) to 350 feet msl. Each foot in elevation increases pressure by 0.433 psi under non-flowing conditions in the pipes. These pressure variations of 30 to 140 psi are high, but not unusual. Two other systems in the Portland area, Oregon City and Oak Lodge, operate with similar pressures. Each solves the problem by requiring pressure regulating valves on individual services in areas of high pressure (over 100 psi).

7. CAPITAL IMPROVEMENTS PROGRAM

During the last ten years, Rockwood has installed approximately 150,000 feet of new mains or 19% of its current inventory. Approximately 51% have been replacement transmission projects, 39% has been replacement distribution projects, and 10% have been new distribution systems. The District has developed a 1989-94 Capital Improvements Project which proposes the replacement of another 53,000 feet of primary distribution mains. Thus, mains have been and will continue to be replaced on the order of 11,000 to 13,000 feet per year which represents approximately 1.5% of the total system per year. This rate should be adequate to keep up with the life expectancies of the existing mains and should also provide for some main extension.

It should be noted that during the last ten years, very limited capital expenditures were made and no capital expenditures are planned for telemetry and control systems and booster pumping facilities despite the fact that the deficiencies have been noted in this area. This results from a Board policy

decision that as long as the possibility of annexation of the District exists, capital improvements will focus on water lines.

A review of the District's proposed "Capital Improvements Projects, 1989-94" shows a plan to spend from \$650,000 to \$750,000 per year for water line replacement and main extensions, with most projects being replacement of existing steel lines. A review of Gresham's CIP shows its commitment to be \$248,000 per year for similar projects, even though Gresham has about the same amount of small steel lines (4-inch or less in diameter).

A review of other systems is shown in Table 5. Other cities and districts have committed from \$40,000 to \$300,000 per year for similar projects. Rockwood's proposed commitment seems valid, if not high, in comparison.

There have been some allegations that the weaknesses of the Rockwood system due to system deficiencies approach \$13 million. The source of the allegation cannot be substantiated and is without foundation. It is safe to say that there is no such weakness. It is also true that the total deficiencies can be overcome with good engineering planning at minimal expense. The deficiencies noted in this assessment are normal and exist in most water systems. They result primarily from changes in the standards of the water profession. The District appears to be committed to modifying its system to comply with the new standards. Its proposed capital improvement program reflects that commitment.

8. MAINTENANCE AND OPERATION PROGRAMS

- *BUILDING AND PERSONNEL* - The District has been very active when it comes to its maintenance and operation program. Operation occurs at the office located at 19601 N.E. Halsey Street. This location lends itself to good central coverage. The building was constructed in 1981 with the intent of supporting maintenance equipment and crews. The maintenance crew consists of 12 men trained in various duties. The capital improvement projects completed by the District have been done using in-house crews and contracting major improvements to general contractors. The in-house maintenance projects have been completed by use of two, three-man crews.
- *MAJOR EQUIPMENT* - Major equipment consists of three rubber-tired backhoes with an accompanying 12 cubic yard (c.y.) dump truck. Also, a 6 c.y. dump truck is available for smaller needs. The equipment and vehicles are maintained by the District's full-time mechanic.
- *METER REPAIR PROGRAM* - This program is handled by a full-time employee. The District's trained personnel and full-service shop are capable of performing in-house testing and repairs. Approximately 250 of the 5/8" x 3/4" meters are changed out per year due to wear and damage. Rockwood has a 10-year change out or rebuild program for 1-inch through 2-inch meters. During the last two fiscal years, 150 1-inch meters, 70 1-1/2-inch meters and 70 2-inch meters were repaired or rebuilt. This fiscal year 150 1-inch meters and 45 2-inch meters are scheduled to be rebuilt. Testing of 3-inch and larger meters is done every two years. An average of 24 large meters is done each year. The testing of 8-inch and 10-inch meters is contracted out.
- *BACKFLOW PREVENTION PROGRAM* - The District's backflow prevention program, as required by the Oregon Revised Statutes, Chapter 333, has been active for 10 years. The District also has six in-house certified testers of backflow devices and one certified inspector.

- *FIRE HYDRANTS* - Rockwood's inventory of 651 fire hydrants shows 239 two-port hydrants. These two-port hydrants are located mainly in residential areas. Overall, the District's hydrants are in good condition. On an average, only one hydrant a year has to be replaced because of a major failure or damage. This minimal changeover is largely due to the District's on-going hydrant maintenance program, which has been active since 1968. Last year, with a maintenance budget of \$2,000, the District repaired or rebuilt 156 fire hydrants. Upgrading of hydrants to the recommended 3-port type is done on all 6-inch and larger water main capital improvement projects. Upgrading is also done in areas which require additional fire projection, such as commercial and industrial areas.
- *WATER VALVE PROGRAM* - The District's water valve program consists of operating all main line valves at least once a year. Valves in subdivisions are operated once every four years. One valve a year is usually found to be defective and is, therefore, replaced.
- *EQUIPMENT AND HARDWARE INVENTORY* - The equipment and hardware inventory is maintained on computer. This system is updated regularly by the District's superintendent. Up-to-date information on quantities and associated costs are available to keep budgeted supplies stocked. Inventory is stored at the District's shop.
- *RESIDENTIAL SERVICES* - Existing residential services are replaced or repaired as needed. As noted, 88% of the service lines are copper. As the galvanized lines begin to leak, they are upgraded to the newer copper material.

12-Oct-89

TABLE 1
ROCKWOOD WATER DISTRICT
CAPITAL IMPROVEMENTS ASSESSMENT

PRODUCTION, CONSUMPTION, & LOSS ANALYSIS

FISCAL YEAR	PORTLAND WATER	WELL	TOTAL PRODUCTION	SALES	UNMETERED USES	LOSS	% LOSS
80-81	240.2	11.2	251.4	187.5		63.9	25.42%
81-82	275.8		275.8	203.5		72.3	26.21%
82-83	237.5	11.4	248.9	200.0		48.9	19.65%
83-84	229.2	12.0	241.2	197.6		43.6	18.08%
84-85	203.2	27.2	230.4	197.5		32.9	14.28%
85-86	254.7	12.6	267.3	201.6	32.4	33.3	12.46%
86-87	252.0	12.5	264.5	218.7	2.0	43.8	16.56%
87-88	258.7	13.5	272.2	222.7	3.1	46.4	17.05%
88-89	273.6	0.0	273.6	236.3	2.0	35.3	12.91%

TABLE 2

ROCKWOOD WATER DISTRICT

WATER SOURCES

<u>Master Meter Location</u>	<u>Conduit Connection</u>	<u>Meter Size</u>	<u>Capacity (GPM)</u>	<u>Elevation (Feet)</u>	<u>Pressure (PSI)</u>	<u>Hydraulic Grade Line</u>
1. S.E. 235th & Division	4	10"	5,500	328.0	110	582.0'
2. S.E. 202nd & Division	2	4"	500	335.0	80	520.0'
3. S.E. 192nd & Division	2 & 4	10"	5,500	275.4	80	460.2'
4. S.E. 182nd & Division	4	8"	1,600	262.4	77	440.6'
5. S.E. 148th & Division	2	8"	<u>1,600</u>	230.0	98	456.0'
Total Capacity			14,700			

TABLE 3
ROCKWOOD WATER DISTRICT

STORAGE RESERVOIRS AND BOOSTER PUMPS

<u>Location</u>	<u>Reservoir Capacity (MG)</u>	<u>Overflow Elevation (Feet)</u>	<u>Year Built - Mat'l</u>	<u>Booster Pump Capacity (GPM)</u>	<u>TDH (Feet)</u>	<u>Resulting Hydraulic Grade Line (Feet)</u>
1. S.E. 141st Reservoir (N.E. 141st & Glisan)	2.5	364.5	1962 - Concrete	1200	100	464.5
2. Cascade Reservoir (N.E. 196th & Halsey)	5.0	261.0	1976 - Steel	800	250	511
				3500	250	511
3. Cleveland Avenue (S.E. 235th & Stark)	3.0	401	1965 - Steel	1000	115	516
	0.5	450	1968 - Steel			
Total	11.0			6500		

15-Oct-89

TABLE 4
ROCKWOOD WATER DISTRICT
CAPITAL IMPROVEMENTS ASSESSMENT

WATERLINE INVENTORY

SIZE	DI	CI	STLCL	STL	PVC	GALV	TOTAL (feet)	% of TOTAL
24"	8,250						8,250	1.06%
20"	13,650						13,650	1.76%
18"	10,350						10,350	1.33%
16"	12,800		12,600				25,400	3.27%
14"			7,750				7,750	1.00%
12"	96,300	6,470	22,200	11,150			136,120	17.53%
10"	7,000	7,250	4,750				19,000	2.45%
8"	67,278	43,075	8,200	26,500			145,053	18.68%
6"	71,706	94,875		28,625	1,400		196,606	25.32%
4"	250	95,680		115,875			211,805	27.28%
3"				1,750			1,750	0.23%
2"					250	400	650	0.08%
TOTAL	287,584	247,350	55,500	183,900	1,650	400	776,384	100.00%
% of TOTAL	37.04%	31.86%	7.15%	23.69%	0.21%	0.05%	100.00%	
(10"- 24")	148,350	13,720	47,300	11,150	0	0	220,520	
	67.27%	6.22%	21.45%	5.06%	0.00%	0.00%	100.00%	
DISTRIBUTION	139,234	233,630	8,200	172,750	1,650	400	555,864	
(2"- 8")	25.05%	42.03%	1.48%	31.08%	0.30%	0.07%	100.00%	

TABLE 5
ROCKWOOD WATER DISTRICT
SUMMARY OF REPLACEMENT BUDGETS FOR WATER SYSTEMS IN
OREGON

<u>CITY/DISTRICT</u>	<u>ANNUAL REPLACEMENT BUDGET</u>
1. Tillamook	\$50,000
2. Powell Valley Road Water District	Varies - \$267,000 estimated average (\$692,000 + \$1,018,200 + \$426,000 in 8 years) = \$267,000/yr.
3. Gresham	\$248,000
4. Clackamas Water District	Varies - \$40,000 to \$300,000, based on priorities
5. Hazelwood Water District	Varies - \$100,000 to \$300,000, based on priorities and resources.

FIGURE 1

ROCKWOOD WATER DISTRICT

WATER LOSS TRENDS

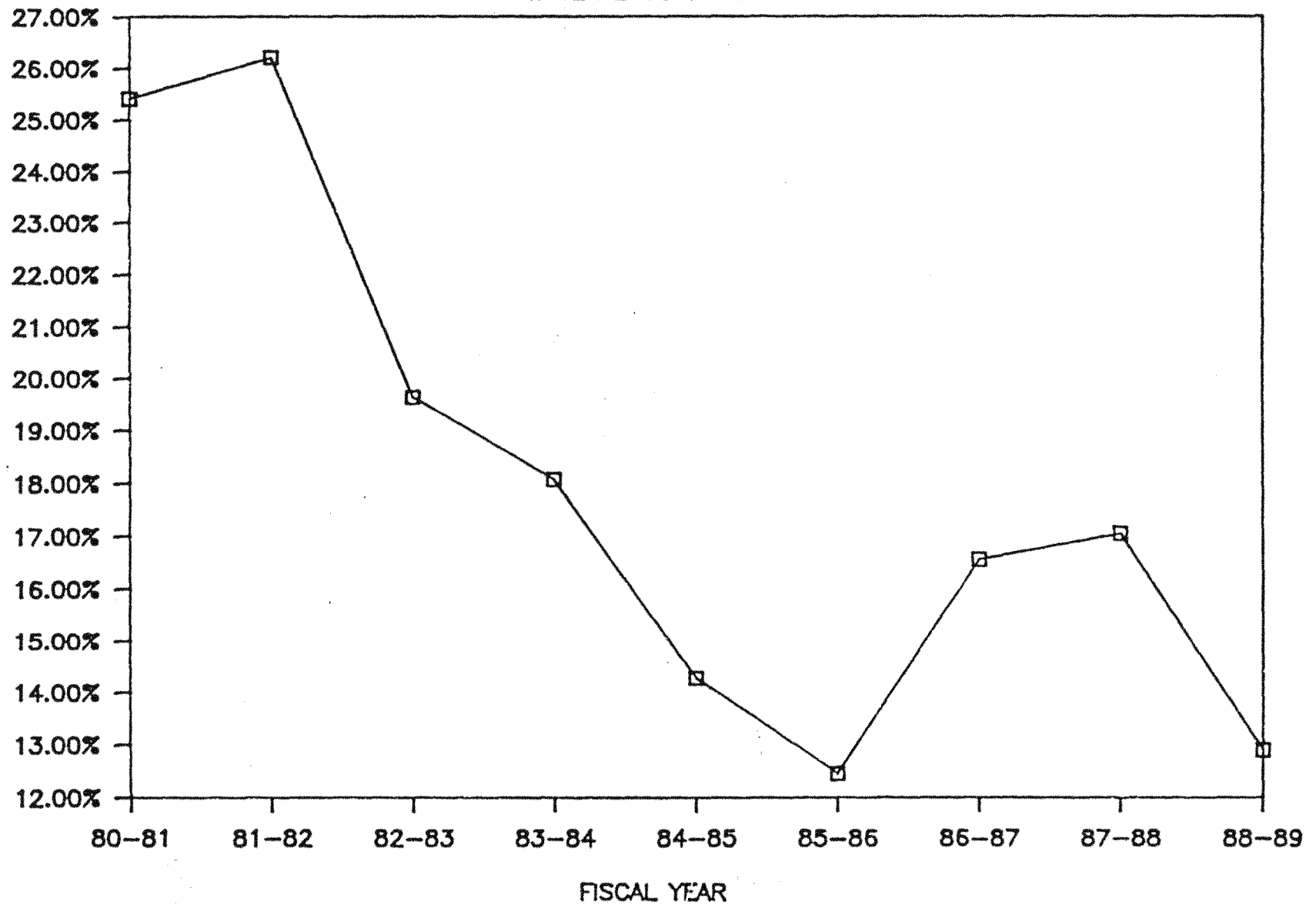


FIGURE 2.1

ROCKWOOD WATER DISTRICT WATERLINE SIZE INVENTORY

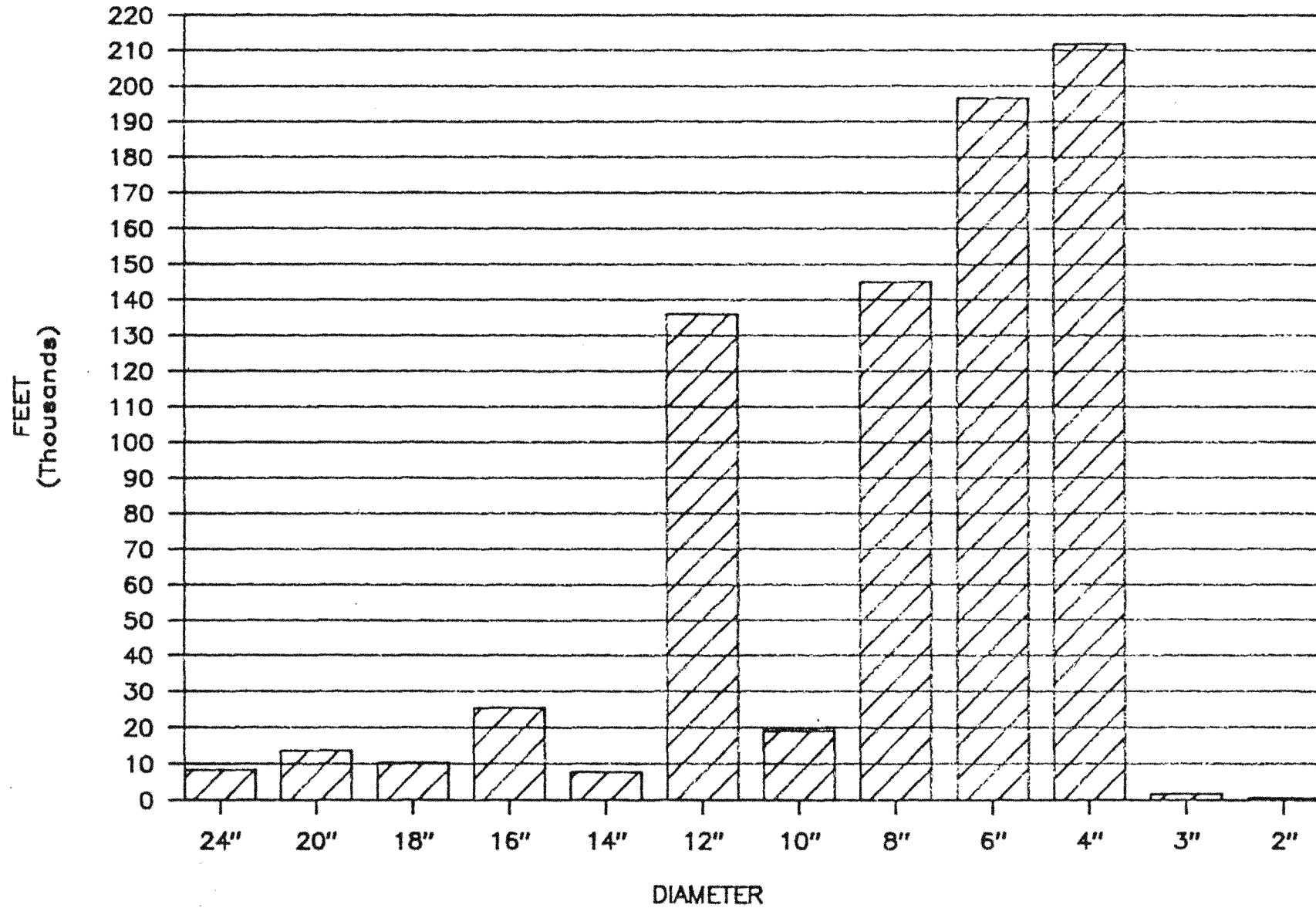


FIGURE 2.2

ROCKWOOD WATER DISTRICT

WATERLINE SIZE INVENTORY

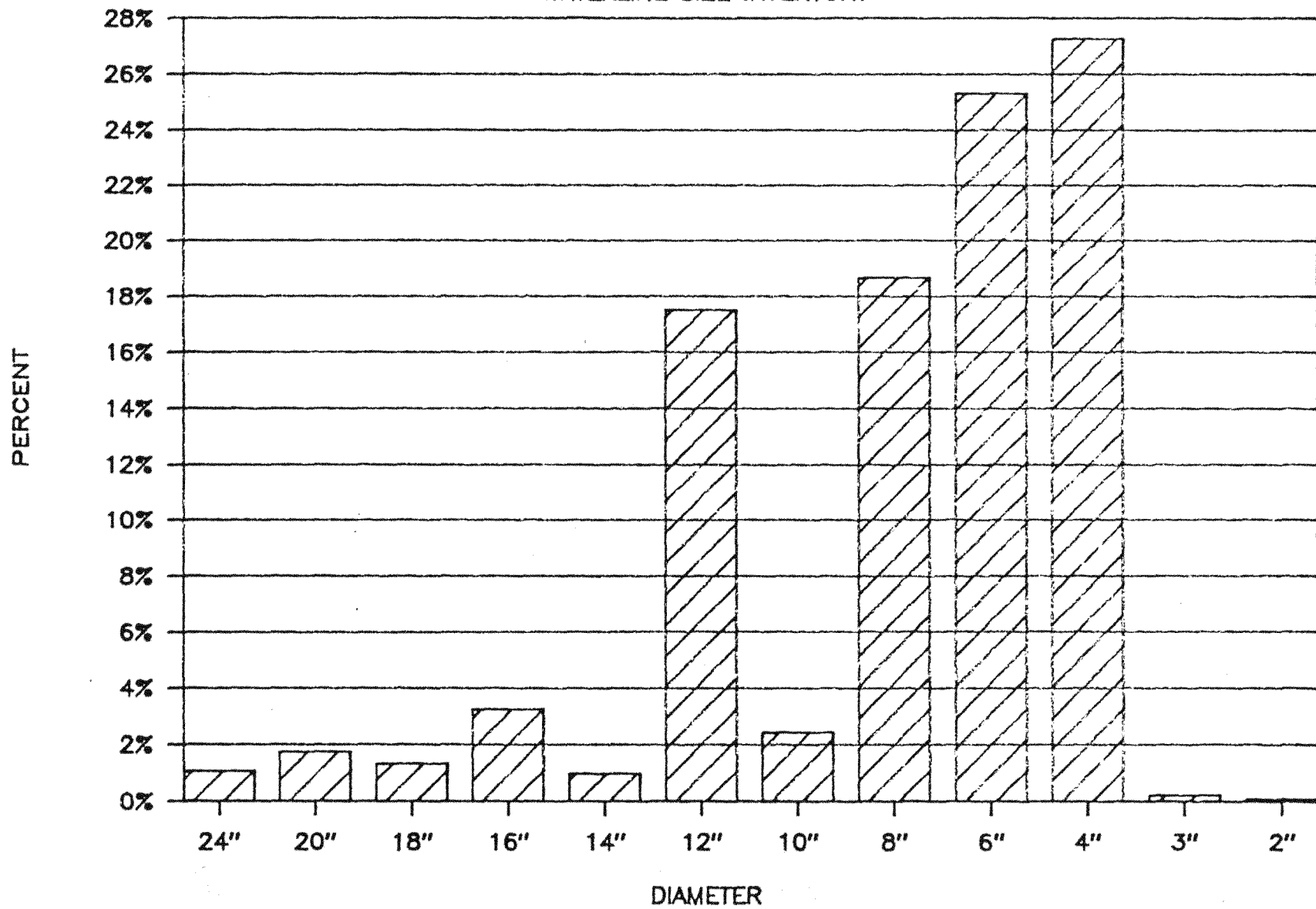


FIGURE 3.1

ROCKWOOD WATER DISTRICT

WATERLINE TYPE INVENTORY

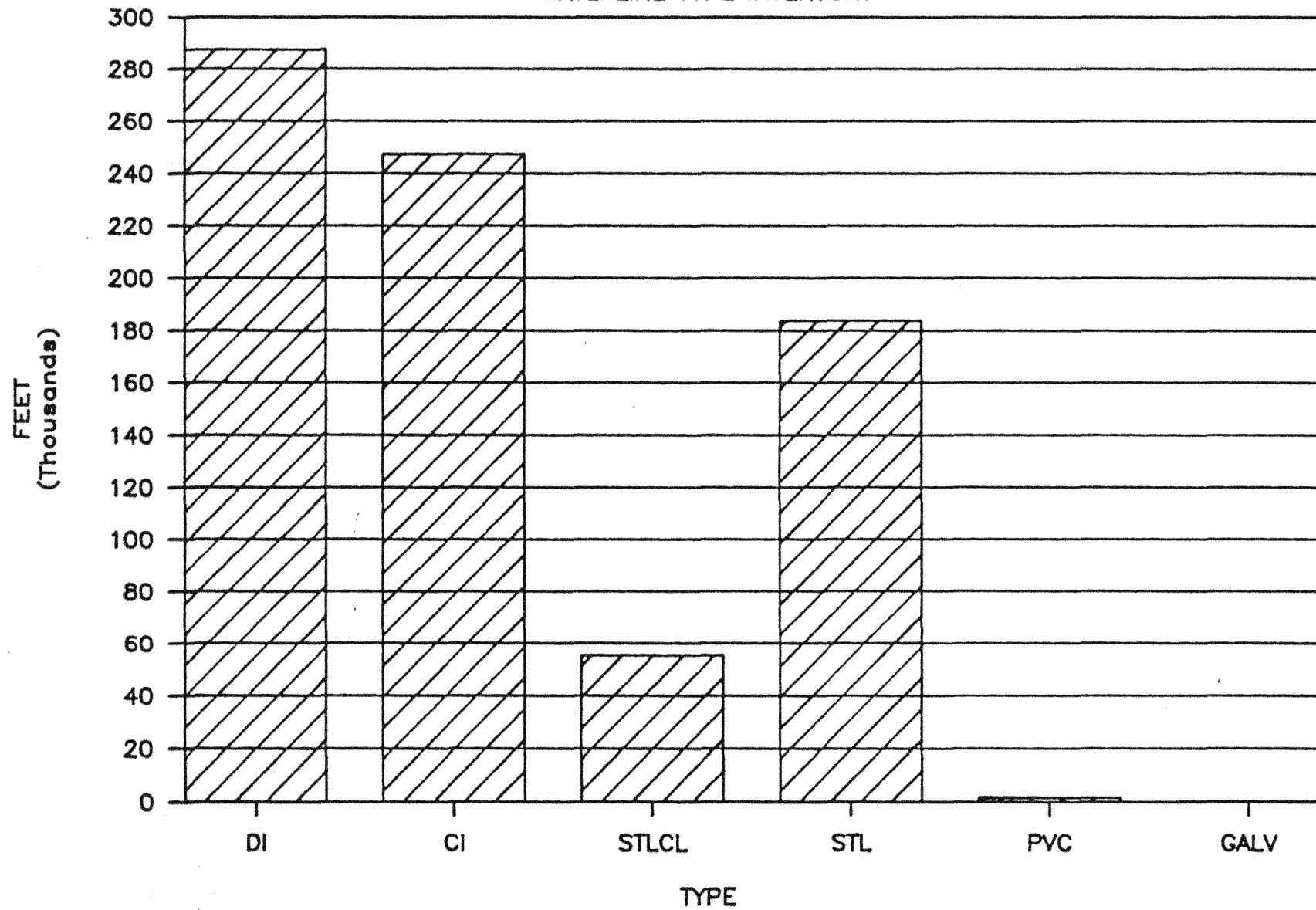


FIGURE 3.2

ROCKWOOD WATER DISTRICT

WATERLINE TYPE INVENTORY

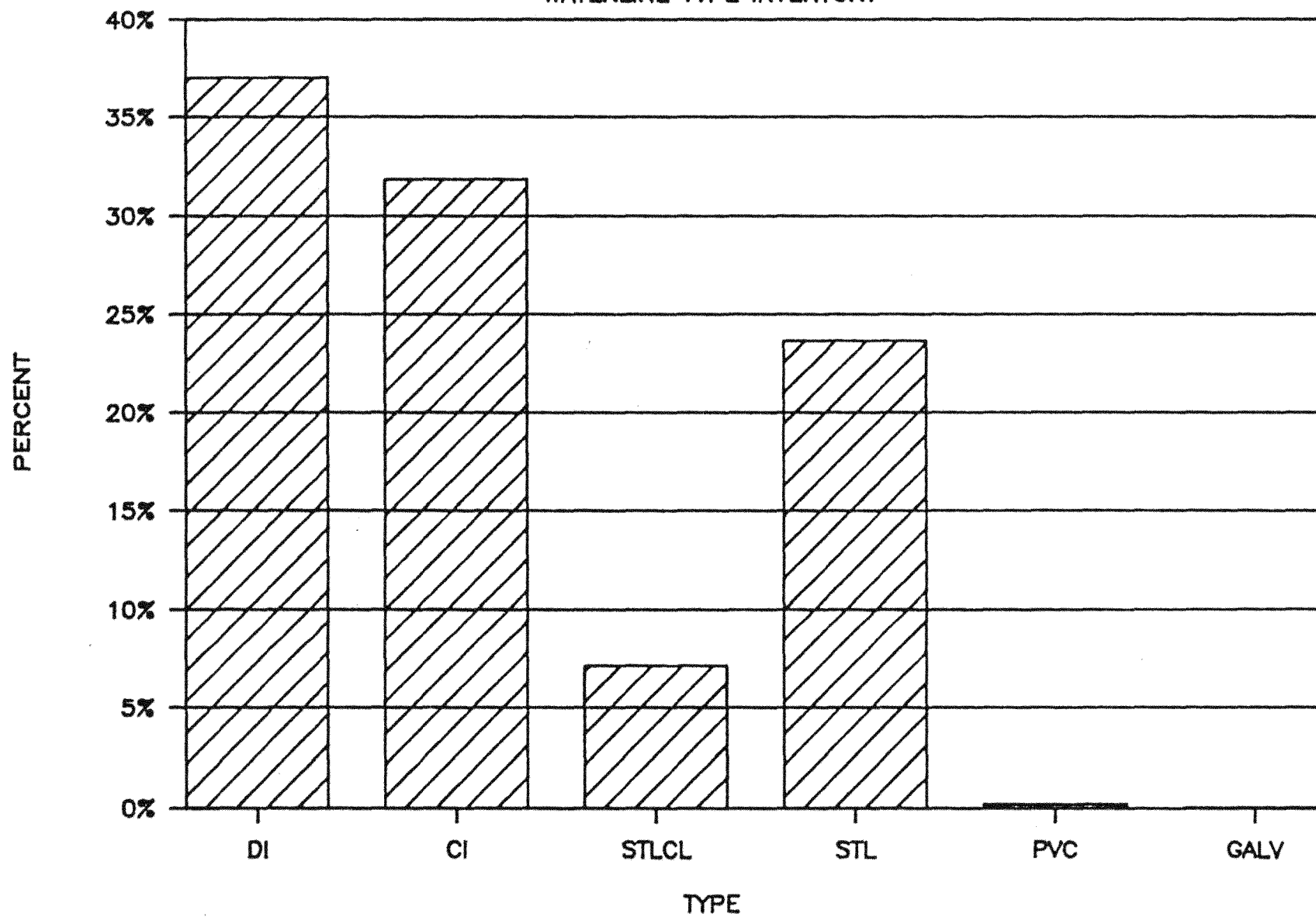


FIGURE 4.1

ROCKWOOD WATER DISTRICT

WATERLINE SIZE & TYPE INVENTORY

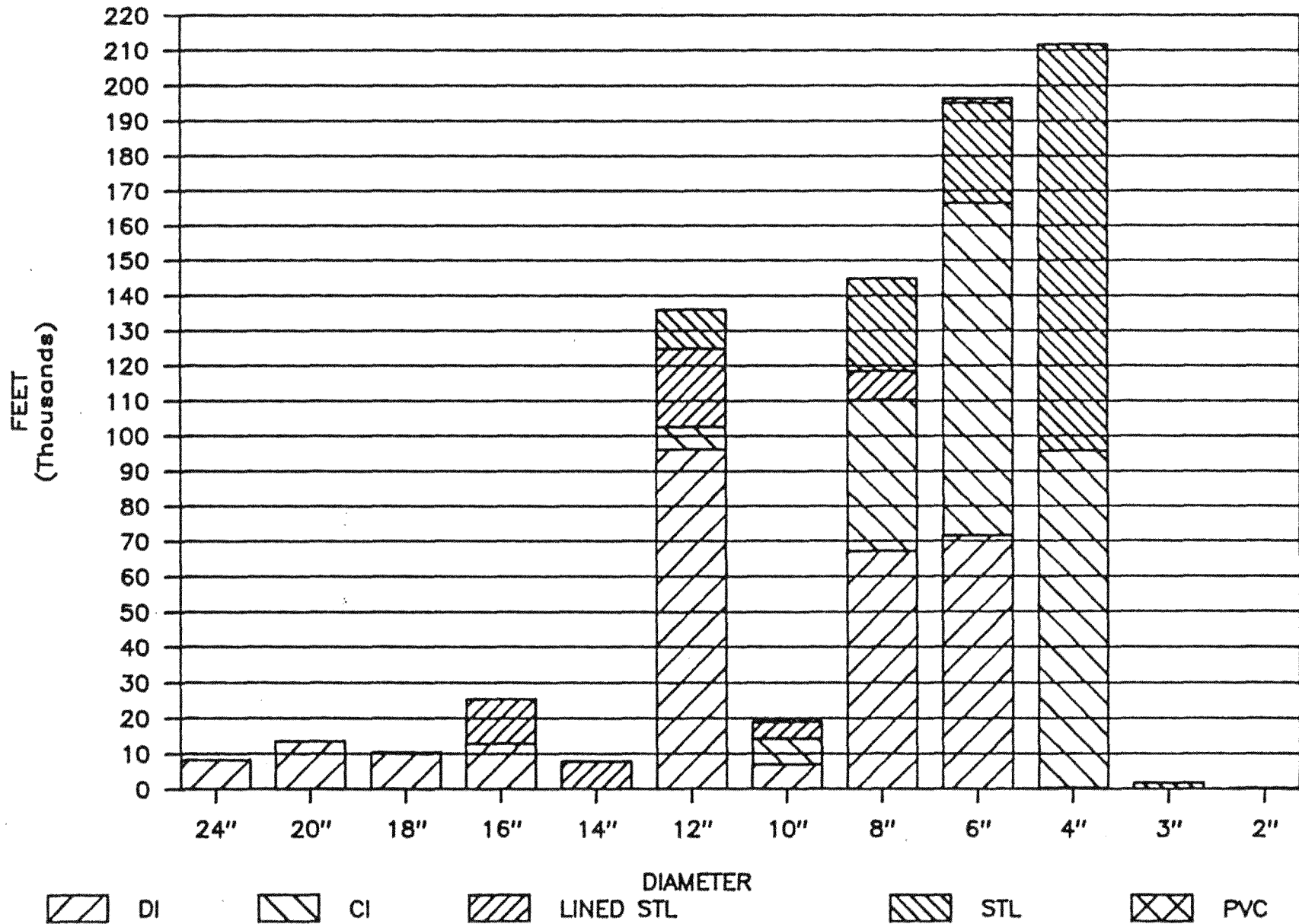
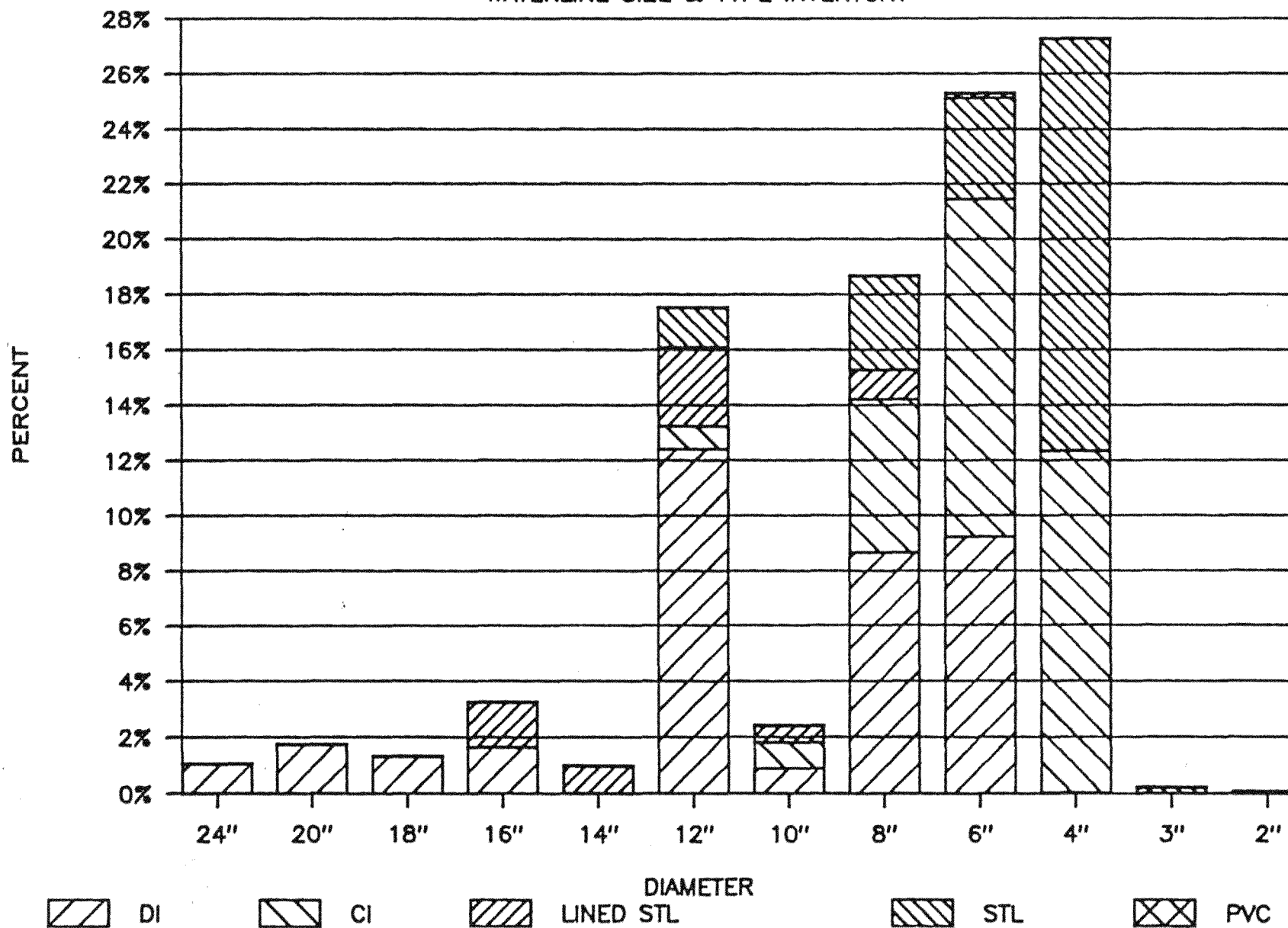


FIGURE 4.2

ROCKWOOD WATER DISTRICT

WATERLINE SIZE & TYPE INVENTORY



BIBLIOGRAPHY

151

DIRECTIONS TO PETITION CIRCULATORS AND SIGNORS

Circulators:

A petition circulator must be an elector (registered voter) in Oregon.

One circulator may collect signatures on any one sheet of a petition.

The circulator of each sheet must complete the signature sheet affidavit at the bottom.

It is unlawful for you to knowingly make any false statement to any person who signs this petition or requests information about it.

Every petitioner must sign his or her own name. Under no circumstances may any person sign another person's name.

It is unlawful to circulate or file a petition, if you know it contains a false signature.

Signors:

You must be registered to vote and must live within the boundaries of the proposed district in order to validly sign this petition. SEE MAP ON THE ATTACHED PETITION.

Sign your name in full, as you wrote it when you registered to vote. Fill in the date signed, your residence, and your voter precinct number (if known). If your signature is hard to read, print your name on the same line.

A married woman should sign her own name, not her husband's name or his initials; for example: "Mary A. Jones", not Mrs. John A. Jones.

Do not use ditto ("") marks.

It is unlawful to sign a petition more than once, to knowingly sign a petition when not qualified to do so, or to sign any other person's name. Do not sign another person's name under any circumstances.

Please collect signatures of registered voters and return
no later than September 15, to:

THE ROCKWOOD WATER PEOPLES UTILITY DISTRICT CAMPAIGN

2134 SE 174th
Portland, OR. 97233

1546 SE 138th
Portland, OR. 97233

FOR INFORMATION, CALL: BILL STALLINGS, JEAN HOOD or HERB BROWN
255-6211 761-8865 255-6478

PETITION FOR FORMATION OF A SPECIAL PEOPLE'S UTILITY DISTRICT

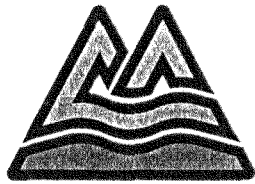
CHIEF PETITIONERS

Bill Stallings	Leo F. Effle	Herb Brown
14606 S.E. Harrison St.	14153 E. Burnside	1546 S.E. 138th
Portland, OR 97233	Portland, OR 97233	Portland, OR 97233

TO THE COMMISSIONERS OF MULTNOMAH COUNTY:

We, the registered voters of the affected district, desire to form an incorporated PEOPLE'S UTILITY DISTRICT and request that the election be held on May 22, 1990 within the boundaries described below for the formation of such a district, to be created under the procedures set forth in ORS Chapter 261. The name by which the district is to be known is ROCKWOOD WATER PUD. It is hereby proposed that the ROCKWOOD WATER PUD, is formed, be authorized to impose a special levy of \$3,000 to finance the required engineer's report on revenue bonds for the acquisition or construction of the initial utility system, and to finance the election required under ORS 261.355(5) and (6).

In the event the people within any one or more municipalities or separate parcels of territory within the proposed district vote against its formation, then that portion of the district which voted in favor of the organization of the ROCKWOOD WATER PUD may be organized into the district.



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

Please publish the attached legal notice on Saturday, November 4,
and November 11.

Send notaried proof of publication to me

Jane McGarvin
Clerk of the Board
1021 SW Fourth, Room 606
Portland, OR 97204

FAX MACHINE COVER SHEET

TO Gresham Outlook

FROM Jane McGavin

PHONE # : _____

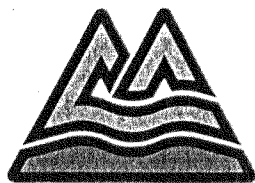
PHONE : _____

FAX # : 665-5187

FAX : 248-3308

Sending total of 4 pages including cover sheet.

DATE: Oct. 31, 89



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
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RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

NOTICE OF HEARING

The Multnomah County Board of Commissioners will hold a hearing on the boundaries of the proposed Rockwood Water Peoples Utility District on Tuesday, November 21, 1989, at 7:00 PM at the Reynolds Middle School Cafeteria, 1200 NE 201st, Troutdale, Oregon.

All interested persons may attend and will be heard. Testimony may be limited to 3 minutes per person. Written comments may be submitted to the Clerk of the Board's Office, 1021 SW Fourth, Room 606, Portland, OR 97204.

The petitioners statement, the proposed legal description and map of the proposed Rockwood Water PUD is as follows:

We, the registered voters of the affected district, desire to form an unincorporated PEOPLE'S UTILITY DISTRICT and request that the election be held on May 22, 1990 within the boundaries described below for the formation of such a district, to be created under the procedures set forth in ORS Chapter 261. The name by which the district is to be known is ROCKWOOD WATER PUD. It is hereby proposed that the ROCKWOOD WATER PUD, is formed, be authorized to impose a special levy of \$3,000 to finance the required engineer's report on revenue bonds for the acquisition or construction of the initial utility system, and to finance the election required under ORS 261.355(5) and (6).

In the event the people within any one or more municipalities or separate parcels of territory within the proposed district vote against its formation, then that portion of the district which voted in favor of the organization of the ROCKWOOD WATER PUD may be organized into the district.

INCLUDE MAP AND LEGAL DESCRIPTION

Persons with questions can call the Clerk of the Board's Office at 248-3277.

Very truly yours,

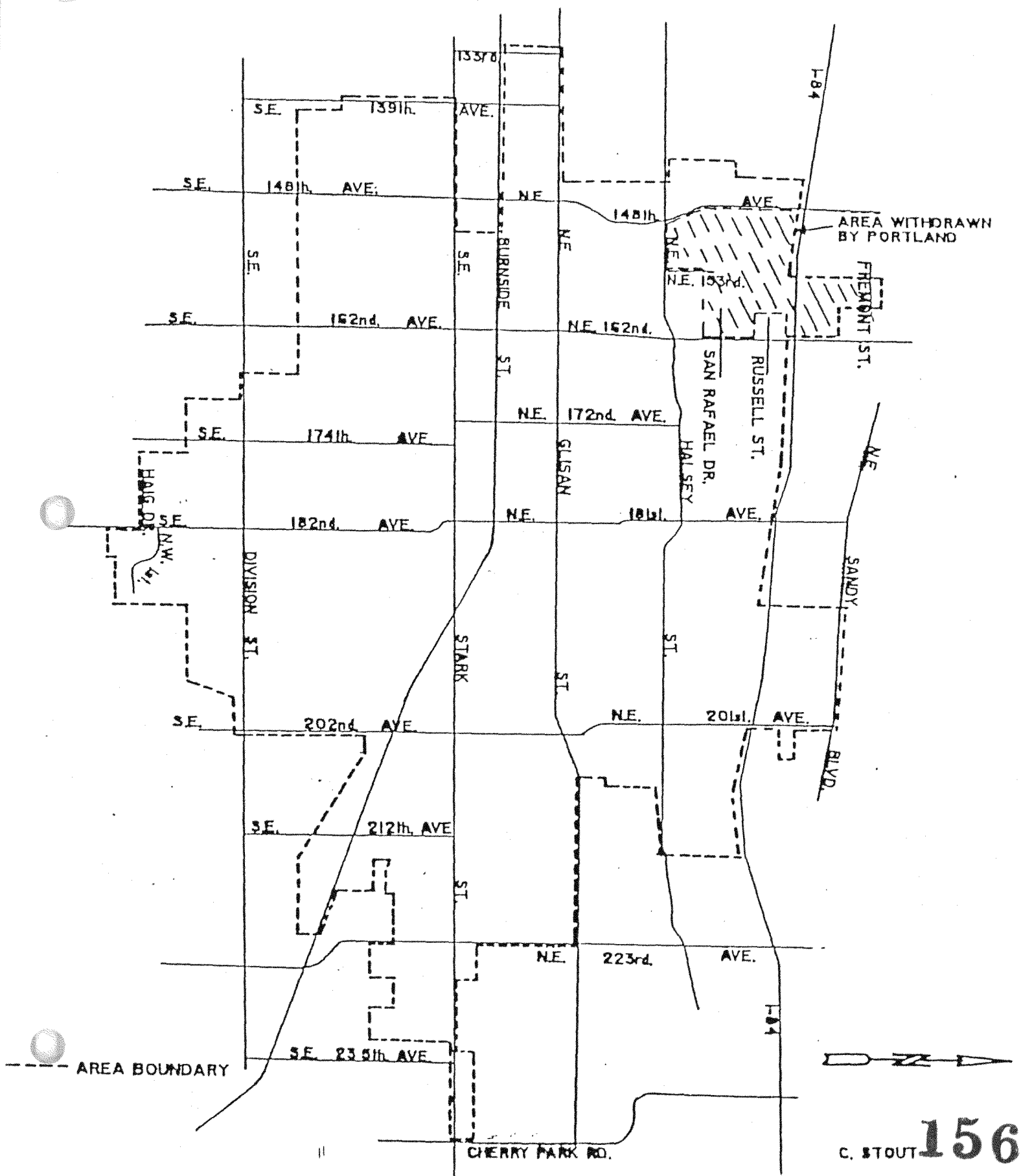
MULTNOMAH COUNTY BOARD OF COMMISSIONERS

Jane McGarvin
Jane McGarvin, Clerk of the Board

155

jm
10/31/89

DESCRIPTION OF BOUNDARIES



The entire boundaries of the District shall lie within Multnomah County, beginning at the center line of SE 182nd Avenue approximately 1,950' north of the SW corner of Section 8, T 1 S, R 3 E; thence easterly 300'; thence northerly 170'; thence easterly 1,317'; thence northerly 20'; thence easterly 530'; thence northerly 420'; thence easterly 93'; thence northerly 1,450'; thence easterly 1,785'; thence north easterly 1,100'; thence easterly 193'; thence northerly 215'; thence easterly 660' to the NE corner of Section 8, T 1 S, R 3 E; thence northerly along the center line of 202nd Avenue 3,126'; thence easterly 720'; thence south easterly 590'; thence northeasterly 10'; thence southeasterly 84'; thence southerly 62'; thence easterly 102'; thence southeasterly 2,426'; thence easterly 1580'; thence northerly 610' to the center line of Burnside Street; thence northwesterly along said center line 1,630' to the intersection of the center lines of Burnside Street and Farris Road; thence easterly 560'; thence northerly 810'; thence westerly 825'; thence northerly 395'; thence easterly 264'; thence southerly 113'; thence easterly 557'; thence northerly 90'; thence easterly 1,330'; thence southerly 560'; thence easterly 980'; thence northerly 665'; thence easterly 805'; thence southerly 665'; thence easterly 875'; thence northerly 2,080'; thence easterly 2650'; thence northerly 460'; thence westerly 2,250'; thence southerly 242'; thence westerly 215'; thence southerly 215'; thence westerly 1,912'; thence northerly 537'; thence westerly 935'; thence northerly 2,800'; thence westerly along the center line of Glisan Street 4,150'; thence northerly 2,050'; thence easterly 970' along the center line of Halsey Street; thence northerly 1,800' to the southern right-of-way line of O.W.R. & N. Company; thence westerly along said right-of-way line to the centerline of 201st Avenue; thence northerly 715'; thence easterly 860'; thence northerly 258'; thence westerly 860'; thence northerly 1,375'; thence westerly along the center line of Sandy Boulevard 3,200'; thence southerly 1,865'; thence westerly along O.W.R. & N. Company to the center line of 181st Avenue; thence southerly 430'; thence westerly 320'; thence northerly 180'; thence generally westerly following the Interstate 84 southern right-of-way 2,020'; thence southerly 45'; thence north westerly 365'; thence westerly 450'; thence southerly 110'; thence westerly 1,680'; thence southerly 80'; thence westerly 860' more or less; thence southerly 550'; thence generally easterly 850'; thence southerly 1,500' more or less; thence westerly 880'; thence northerly 100'; thence westerly 150'; thence northerly 130'; thence westerly 300'; thence northerly 80'; thence westerly 870'; thence southerly 1,300' to the north right-of-way of NE Halsey; thence westerly 1,185'; thence generally north westerly to the western right-of-way line of NE 148th Ave.; thence generally northerly 2,800'; more or less; thence westerly 800' more or less; thence southerly 1,820'; thence westerly 850'; thence southerly 1,800'; thence easterly 1,010'; thence southerly 2,650'; thence westerly 3,695'; thence southerly 1,440'; thence easterly 5,310'; thence southerly 1,010'; thence westerly 3,980'; thence southerly 2,710'; thence easterly 650'; thence southerly 1,160'; thence easterly 4,335'; thence northerly 20'; thence easterly 335'; thence southerly 20'; thence easterly 665'; thence southerly 20'; thence easterly 670'; thence southerly 60'; thence easterly 1,330'; thence southerly 1,330'; thence easterly 700'; thence southerly 1,320'; thence easterly 1,020'; thence northerly 42'; thence easterly 370'; thence southerly 710'; thence easterly 330'; thence southerly 615'; thence easterly 1,655'; thence southerly 650' to the point of true beginning.

McRobert warns of move to form Rockwood PUD

By BARBARA PESCHIERA

Correspondent, The Oregonian

GRESHAM — Mayor Gussie McRobert said during a town hall meeting Thursday night that Gresham has been seeking to provide water to the areas of the Rockwood Water District it has annexed because state law requires the city to do so.

"Because that is what the state requires," McRobert said when asked why Gresham wants to expand its water service. "It says the withdrawal is automatic."

During the third of a series of City Council town hall meetings, McRobert predicted that if a campaign to form a Rockwood Water People's Utility District is successful, Rockwood residents would later grow to regret the move.

"There are some pretty serious financial consequences," McRobert told the more than 20 people who attended the meeting at the Rockwood Seventh-Day Adventist Church. "I guarantee you're not going to like it in a few years."

Debate about the merits of forming a PUD as opposed to allowing Gresham to take over water service dominated the free-flowing meeting. The council is seeking public comments about city issues before launching into setting goals and budgets for next year.

McRobert and Councilwoman Barbara Wiggin were the only two elected council members who attended.

The future of mobile home owners who live in parks threatened by zone changes also was an issue of major concern to the citizens at the meeting. McRobert said it was a problem to which she sees no answers.

Regarding the effort to place the PUD question before voters next year, much of the discussion centered on the condition of the water system and differences in rates charged by Rockwood Water District and Gresham.

Proponents of the PUD said that Gresham was not bound to withdraw annexed portions of the water district. They charged the city wants increased water revenue to pay for a 10 million-gallon reservoir under construction on Grant Butte.

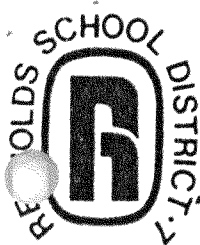
City Manager Wally Douthwaite said the city had anticipated nearly doubling its water customers through the Rockwood withdrawal when it decided to build the reservoir.

Herb Brown, a water district customer and PUD sponsor, said the district would announce within the next few days a proposal that would give it storage capacity without the Grant Butte reservoir.

He also emphasized that a recent Multnomah County Circuit Court decision found Gresham's withdrawals were handled improperly under state procedures.

The next town hall meeting is scheduled for 7 p.m. Oct. 25 at the Teamster Local 162 office, 1850 NE 162nd Ave.

EAST METRO OREGONIAN, pg D2 - Fri. Oct. 13, 1989



REYNOLDS SCHOOL DISTRICT
ADMINISTRATION OFFICES
1424 N.E. 201ST AVENUE
TROUTDALE, OREGON 97060-2499
(503) 661-7200
FAX NO. 661-6404

STRESSING THE ABCs: ACADEMICS, BASICS, CREATIVITY

CLERK OF
COUNTY COMMISSIONER
1989 OCT 12 PM 3:02
MULTNOMAH COUNTY
OREGON

October 11, 1989

Jane Gawin
1021 SW 4th, Room 606
Portland, Oregon 97204

Dear Ms. Gawin:

Reynolds School District has approved your request to use the cafeteria at Reynolds Middle School. Times, as requested, will be 6:30 pm to 10:00 pm Tuesday, November 21, 1989.

There will be no charge for the use of this field/facility.

Sincerely,

Brian Case
Budget/Accounting Supervisor

cc: Principals
Custodian

Reynolds middle
school
mr Simpson -
665 8166

recording
Jack Adams - 248-4488
4:30-5
TDM-Co System -



REYNOLDS SCHOOL DISTRICT NO. 7
APPLICATION FOR USE OF SCHOOL BUILDINGS

Buildings may be used at the specified times for approved civic activities without charge. Other activities and facility use require charges in accordance with a schedule adopted by the Board of Education.

Community Use of Buildings
Reynolds School District #7
1424 NE 201st Ave.
Troutdale, OR 97060

Troutdale, Oregon October 6 19 89

Gentlemen:

The undersigned hereby makes application on behalf of (name of organization or individual)

Multnomah County Board of Commissioners
For permission to use Reynolds Middle School Cafeteria
(School) (Accommodations)

Specify if activity is:

One Time Only (X) Daily () Weekly () Monthly () Exception ()
6:30 P M. to 10 P M. November 21 19 89
(Hours) (Day or Days of Week) (Date if one time only)

If continuous, give beginning and ending dates _____ 19 ____ through _____ 19 ____

Describe activity fully Public Hearing by the Multnomah County Board of Commissioners on the Rockwood Water ~~Public~~ Peoples Utility District.

The exercise will be held under the auspices of Multnomah County Brd of Commissioners
Charges for use of building, if any, will be paid by Multnomah County

*Will need podium, microphone, plus 3 microphones for commissioners. if unavailable, will arrange for county equipment to be used.

I agree to be responsible for the conduct of the audience in and about the building and for any damage beyond ordinary wear and tear which may occur to this school property incident to my occupancy thereof. I further agree that the school property will be used in accordance with rules and regulations of the Board of Directors, and that I shall be responsible for any and all liability arising from or arising out of the use of the school property and hold the School District harmless from any action arising from my occupancy. I understand that the District reserves the right to cancel this permit for school purposes or for other urgent reasons. A minimum of five days prior to the date requested for the building use is required for processing of this permit.

My signature indicates that I have read the regulations governing the use of the facility, and I understand that violation of any of the stated regulations may result in the principal terminating my right to use the facility.

Jane McShwin
Signature of Adult Responsible, Over 21
11021 SW 4th Km 606
Address (Home Address if this is a Gym Use Request)
Portland OK 97204
City Zip Code

Alternate contacts working with activity:
Name

Business Phone 248-3277 Home Phone 665-4785
Business Phone

Approved By: John L. Simpson Principal

John L. Simpson Business Manager/Athletic Director

Charge d
MF-10
Rev. 8/79 **160**

CERTIFICATE OF TRUE COPY

STATE OF OREGON)
) ss
County of Multnomah)

I, Deborah L. Rogers, being duly sworn, depose and say that the enclosed RECORD is a true and complete copy of the written testimony, exhibits, maps, documents and/or other written materials included as part of the Record before the Multnomah County Board of Commissioners in connection to the Rockwood Water Public Utility District issue on file with the Clerk of the Board of Multnomah County, Oregon.



Deborah L. Rogers
Assistant Clerk of the Board

Before me personally appeared Deborah L. Rogers and acknowledged the foregoing to be her voluntary act and deed.

DATED this 29th day of January, 1990.



Notary Public for Oregon
My Commission expires: 1/18/93

CERTIFICATE OF FILING

I hereby certify that on January 30, 1990, I filed a true copy of this RETURN OF RECORD, with the Land Use Board of Appeals, Suite 220, 100 High Street SE, Salem, OR 97310, by first class mail.

Dated: January 30, 1989.



Laurence Kressel, County Counsel
for Multnomah County

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 1990, I served a true and correct copy of this RETURN OF RECORD by personal delivery on Ruth Spetter, Portland City Attorney, and a true and correct copy on Frank Josselson, of attorneys for intervenor The Rockwood Water District by first class mail to his last known address: Josselson, Potter & Roberts, 53 SW Yamhill Street, Portland, OR 97204.

Date: January 30, 1990



Laurence Kressel, County Counsel
for Multnomah County

1ATTY.64/mw

December 19, 1989

RECEIVED FROM

JANE MCGARVIN

CLERK, BOARD OF COUNTY COMMISSIONERS . MULTNOMAH COUNTY, OREGON

ELECTIONS

ORDER #89-214 SETTING BOUNDARIES AND CALLING ELECTION FOR THE ROCKWOOD WATER
PUD.

A handwritten signature in cursive script, appearing to read "Don Hester", is written over a horizontal line.



MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL
1120 S.W. FIFTH AVENUE, SUITE 1530
P.O. BOX 849
PORTLAND, OREGON 97207-0849
(503) 248-3138

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY, CHAIR
PAULINE ANDERSON
RICK BAUMAN
GRETCHEN KAFOURY

M E M O R A N D U M

TO: Jane McGarvin
Clerk of the Board (101/606)

FROM: Larry Kressel *LK*
County Counsel (106/1530)

DATE: December 19, 1989

RE: Rockwood Water PUD: Resolution on
Boundaries and Calling Election

COUNTY COUNSEL
LAURENCE KRESSEL
CHIEF ASSISTANT
ARMINDA J. BROWN
ASSISTANTS
JOHN L. DU BAY
SANDRA N. DUFFY
J. MICHAEL DOYLE
H. H. LAZENBY, JR.
PAUL G. MACKEY
MARK B. WILLIAMS

Attached is the final version of the Resolution determining the boundaries of the Rockwood Water PUD and calling an election on May 15, 1990. This was adopted by the Board at the hearing on 12/19/89.

Please have this signed by the Chair and promptly forwarded to the Elections Director.

The next step will be approval of a ballot title.

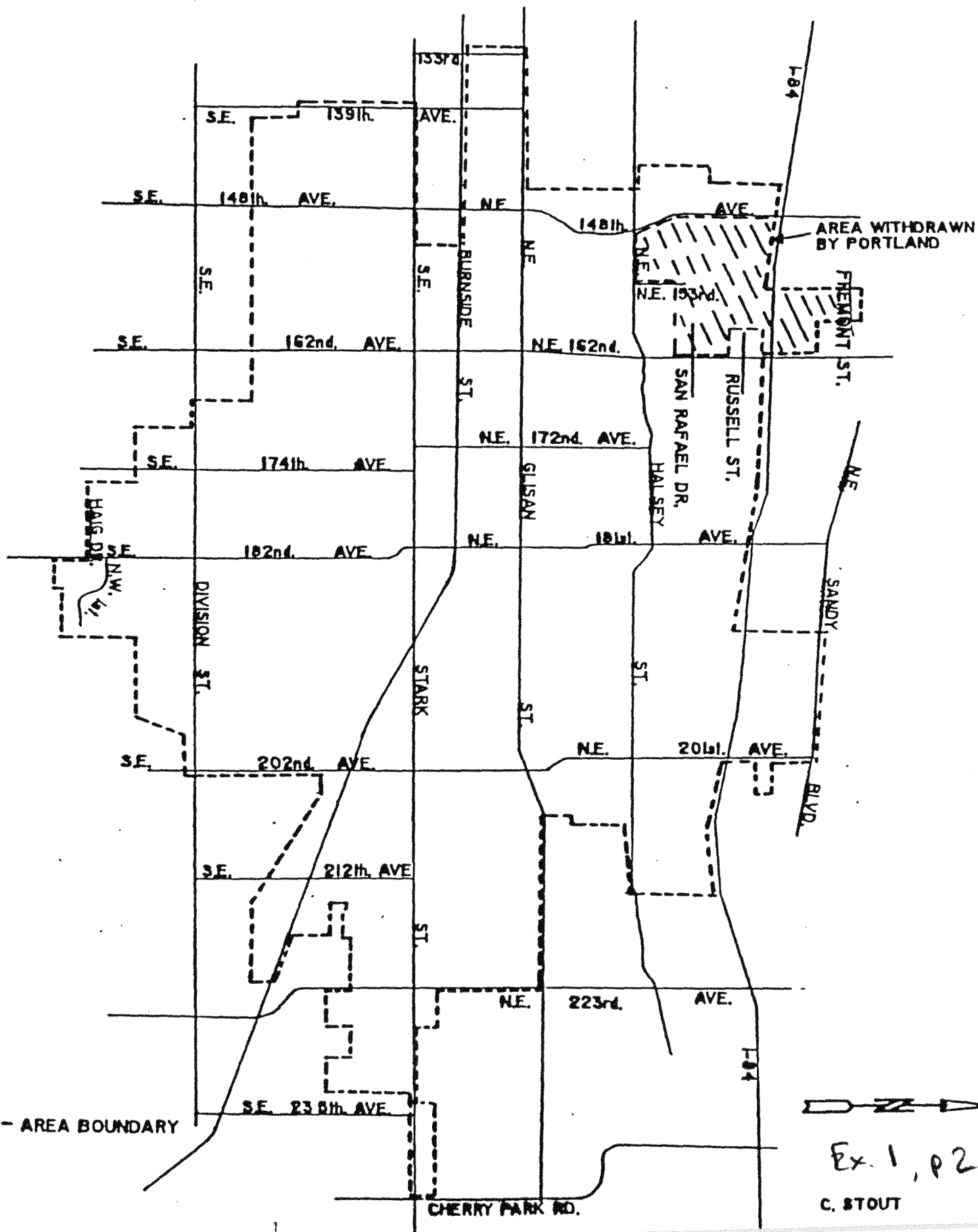
cc Frank Josselson
Ruth Spetter
Tom Sponsler

ATTY1.27/mw

1990 DEC 19 PM 2:44
MULTNOMAH COUNTY
OREGON

The entire boundaries of the District shall lie within Multnomah County, beginning at the center line of SE 182nd Avenue approximately 1,950' north of the SW corner of Section 8, T 1 S, R 3 E; thence easterly 300'; thence northerly 170'; thence easterly 1,317'; thence northerly 20'; thence easterly 530'; thence northerly 420'; thence easterly 93'; thence northerly 1,450'; thence easterly 1,785'; thence north easterly 1,100'; thence easterly 193'; thence northerly 215'; thence easterly 660' to the NE corner of Section 8, T 1 S, R 3 E; thence northerly along the center line of 202nd Avenue 3,126'; thence easterly 720'; thence south easterly 590'; thence northeasterly 10'; thence southeasterly 84'; thence southerly 62'; thence easterly 102'; thence southeasterly 2,426'; thence easterly 1580'; thence northerly 610' to the center line of Burnside Street; thence northwesterly along said center line 1,630' to the intersection of the center lines of Burnside Street and Farris Road; thence easterly 560'; thence northerly 810'; thence westerly 825'; thence northerly 395'; thence easterly 264'; thence southerly 113'; thence easterly 557'; thence northerly 90'; thence easterly 1,330'; thence southerly 560'; thence easterly 980'; thence northerly 665'; thence easterly 805'; thence southerly 665'; thence easterly 875'; thence northerly 2,080'; thence easterly 2650'; thence northerly 460'; thence westerly 2,250'; thence southerly 242'; thence westerly 215'; thence southerly 215'; thence westerly 1,912'; thence northerly 537'; thence westerly 935'; thence northerly 2,800'; thence westerly along the center line of Glisan Street 4,150'; thence northerly 2,050'; thence easterly 970' along the center line of Halsey Street; thence northerly 1,800' to the southern right-of-way line of O.W.R. & N. Company; thence westerly along said right-of-way line to the centerline of 201st Avenue; thence northerly 715'; thence easterly 860'; thence northerly 258'; thence westerly 860'; thence northerly 1,375'; thence westerly along the center line of Sandy Boulevard 3,200'; thence southerly 1,865'; thence westerly along O.W.R. & N. Company to the center line of 181st Avenue; thence southerly 430'; thence westerly 320'; thence northerly 180'; thence generally westerly following the Interstate 84 southern right-of-way 2,020'; thence southerly 45'; thence north westerly 365'; thence westerly 450'; thence southerly 110'; thence westerly 1,680'; thence southerly 80'; thence westerly 860' more or less; thence southerly 550'; thence generally easterly 850'; thence southerly 1,500' more or less; thence westerly 880'; thence northerly 100'; thence westerly 150'; thence northerly 130'; thence westerly 300'; thence northerly 80'; thence westerly 870'; thence southerly 1,300' to the north right-of-way of NE Halsey; thence westerly 1,185'; thence generally north westerly to the western right-of-way line of NE 148th Ave.; thence generally northerly 2,800'; more or less; thence westerly 800' more or less; thence southerly 1,820'; thence westerly 850'; thence southerly 1,800'; thence easterly 1,010'; thence southerly 2,650'; thence westerly 3,695'; thence southerly 1,440'; thence easterly 5,310'; thence southerly 1,010'; thence westerly 3,980'; thence southerly 2,710'; thence easterly 650'; thence southerly 1,160'; thence easterly 4,335'; thence northerly 20'; thence easterly 335'; thence southerly 20'; thence easterly 665'; thence southerly 20'; thence easterly 670'; thence southerly 60'; thence easterly 1,330'; thence southerly 1,330'; thence easterly 700'; thence southerly 1,320'; thence easterly 1,020'; thence northerly 42'; thence easterly 370'; thence southerly 710'; thence easterly 330'; thence southerly 615'; thence easterly 1,655'; thence southerly 650' to the point of true beginning.

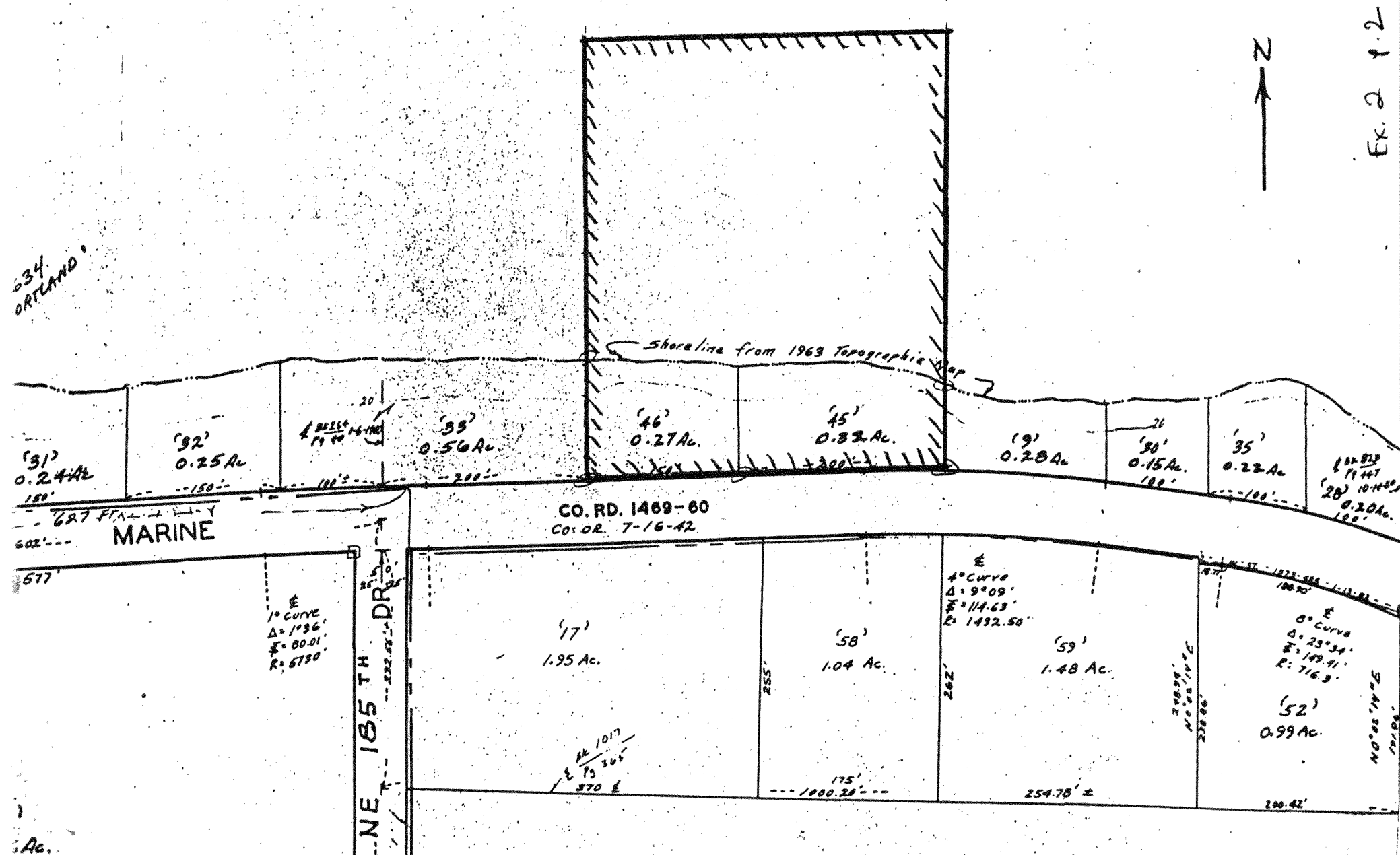
DESCRIPTION OF BOUNDARIES



A tract of land in Section 20, Township 1 North, Range 3 East, W.M. in Multnomah County, State of Oregon described as follows:

Commencing at the intersection of the centerlines of NE Marine Drive and NE 185th Ave, in said Section 20; thence East along the centerline of NE Marine Drive 200 feet to a point; thence North 30 feet to the Southwest corner of that tract of land conveyed to Charles H. Weatherston in Book 891 on Page 258 recorded Nov. 1, 1972, in Multnomah County Deed Records and the point of beginning of the tract to be described; thence North, along the West line of said Weatherston tract and the Northerly extension of said West line, 400 feet to a point; thence East, parallel to the North line of said NE Marine Drive, 350 feet more or less to the Northerly extension of the East line of that tract of land conveyed to Dorothy M. Weatherston in Book 890 on Page 185 recorded Oct. 27, 1972, in said County Deed Records; thence South, along the Northerly extension of the East line and the East line of said Dorothy Weatherston tract, 400 feet more or less to the North line of NE Marine Drive; thence West, along the North line of NE Marine Drive, 350 feet more or less to the true point of beginning.

Ex. 2 1.2



1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 In the Matter of Determining the)
Boundaries of the Rockwood Water) RESOLUTION
4 Public Utility District and Calling)
An Election on District Formation) #89-214
5 And Related Matters)

6
7
8 WHEREAS, the Multnomah County Board of Commissioners
9 received a petition requesting formation of a public utility
district to be known as Rockwood Water Public Utility District
(P.U.D.); and

10 WHEREAS, ORS 261.161(2) requires the Board of County
11 Commissioners to determine the boundaries of the proposed
P.U.D.; and

12 WHEREAS, a hearing on the boundaries was held on
13 November 21, 1989 and December 12, 1989; and

14 WHEREAS, the Board of County Commissioners has
15 received two petitions for inclusion of additional land within
the boundaries of the proposed P.U.D. (Ducks Moorage and
Dorothy Weatherston properties); and

16 WHEREAS, the Multnomah County Department of Assessment
17 and Taxation has reviewed the legal description of the
18 boundaries as proposed in the P.U.D. petition and found them to
be correct; and

19 WHEREAS, the Board has received and considered the
Oregon Department of Energy's report on the proposed P.U.D.; and

20 WHEREAS, although public policy arguments for reducing
21 the boundaries were made by city representatives, the Board
believes that it does not have the option of considering such
22 arguments under ORS Chapter 261; and

23 WHEREAS, approving the boundaries as proposed by
24 petitioners protects the right of initiative and the right of
property owners within the boundaries to vote. Opponents of
25 the boundaries as proposed by the petitioners retain the right
to be heard through the campaign process.

1 NOW, THEREFORE, BE IT RESOLVED that

2 1. Subject to point 2 below, the boundaries of the
3 Rockwood Water Public Utility District shall be those presented
4 in the petition. A legal description of those boundaries is
5 attached as Exhibit 1.

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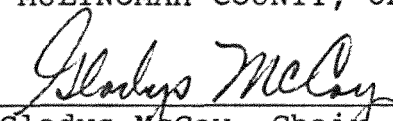
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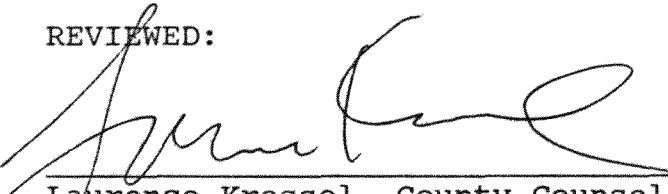
19 BOARD OF COUNTY COMMISSIONERS
20 FOR MULTNOMAH COUNTY, OREGON

21 (SEAL)

22 By


Gladys McCoy, Chair
Multnomah County, Oregon

23 REVIEWED:

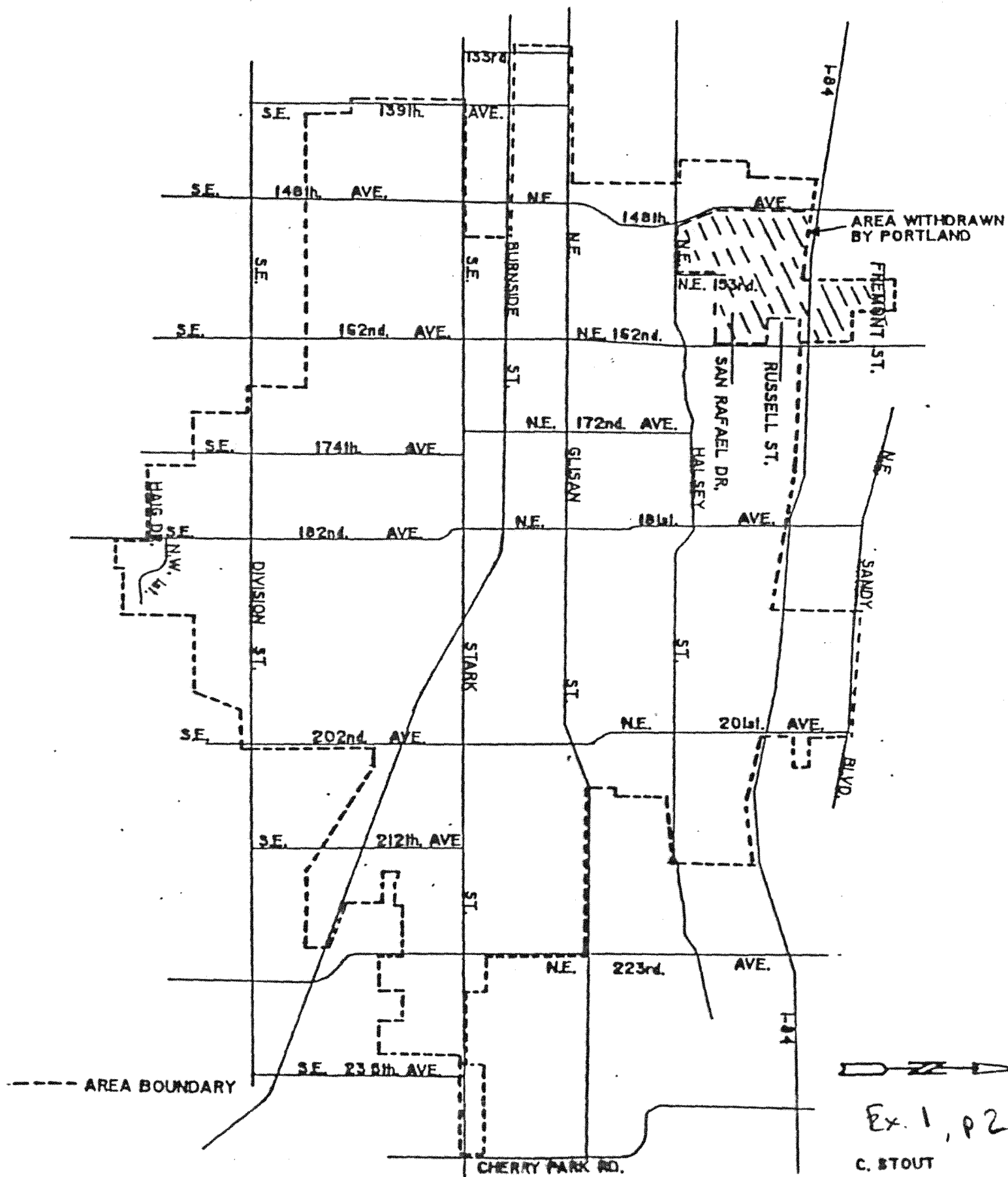
24 
25 Laurence Kressel, County Counsel
26 of Multnomah County, Oregon

27 (12/19/89)

28 6582R/mc

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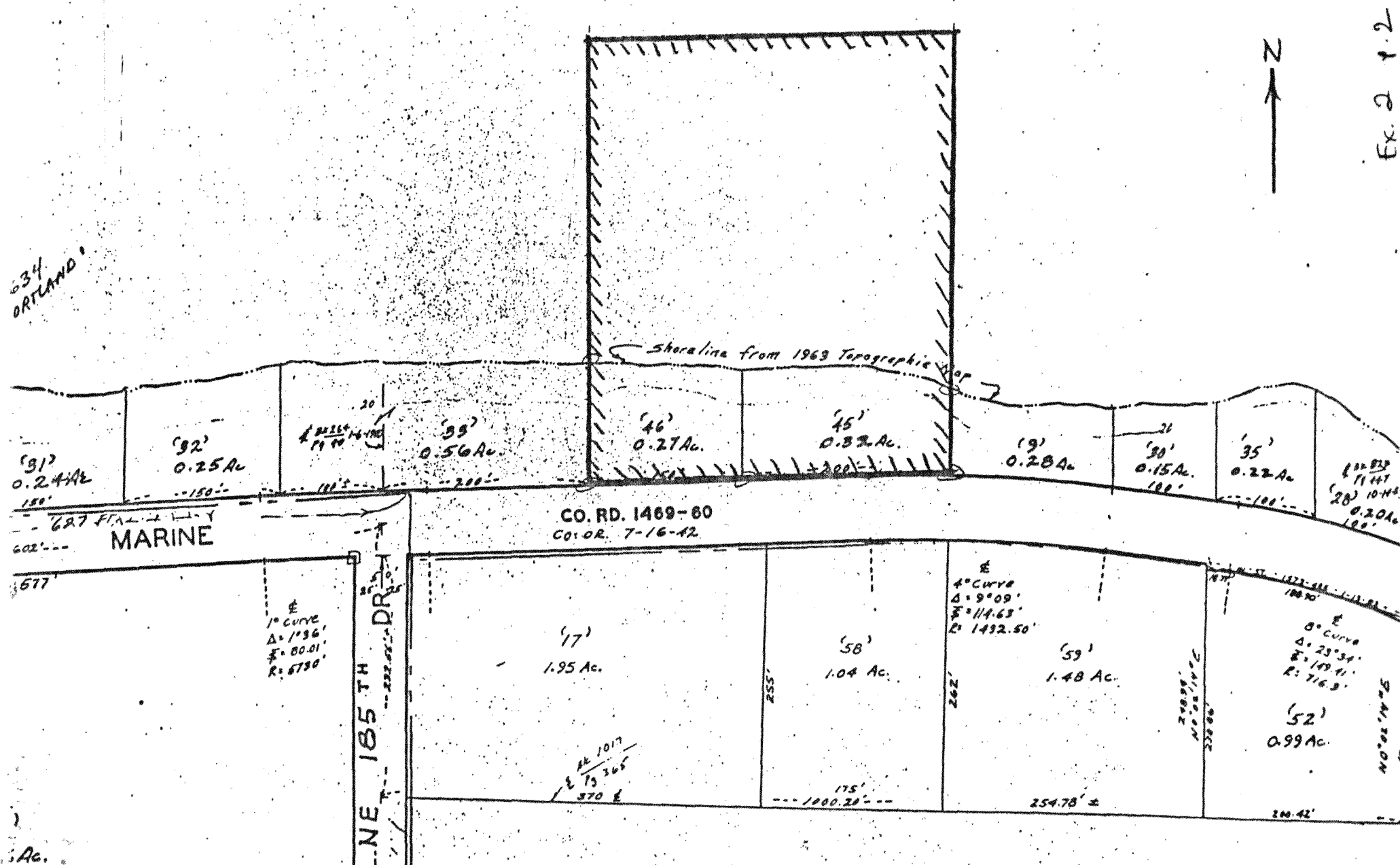
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Ex. 2 1.2



BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

In the Matter of Determining the)
Boundaries of the Rockwood Water) RESOLUTION
Public Utility District)
)

WHEREAS, the Multnomah County Board of Commissioners received a petition requesting formation of a public utility district to be known as Rockwood Water Public Utility District (P.U.D.); and

WHEREAS, ORS 261.161(2) requires the Board of County Commissioners to determine the boundaries of the proposed P.U.D. based on the record and the Energy Department report; and

WHEREAS, a hearing on the boundaries was held on November 21, 1989, December 12, 1989, and December 19, 1989; and

WHEREAS, the Board of County Commissioners has received two petitions for inclusion of additional land within the boundaries of the proposed P.U.D. (Ducks Moorage and Dorothy Weatherston properties); and

WHEREAS, the Board has received and considered the Oregon Department of Energy's report on the proposed P.U.D.; and

WHEREAS, substantial portions of the proposed P.U.D. have been annexed to cities which are ready and willing to provide these areas with domestic water (some lands have also been withdrawn by the cities from the Rockwood Water District); and

WHEREAS, the cities have done extensive public facility and financial planning for extending water service to these areas; and

WHEREAS, Portland has requested that the P.U.D. boundaries exclude all territory within the city's Urban Services Boundary; and

WHEREAS, Portland's Urban Services Policy (endorsed by Multnomah County by the document known as "Resolution A" in 1983) encourages annexation within an urban services boundary developed in a state-mandated, LCDC-acknowledged, comprehensive planning process. Complementary to this planning process are

the other state-mandated laws regarding annexation. Since 1969, a Local Government Boundary Commission has overseen annexations and other territorial local government issues in the metropolitan area; and

WHEREAS, Portland, Gresham, and Fairview always intended, through a series of planned annexations, to provide all municipal services to all city residents. The Rockwood P.U.D. proposal is at odds with the cities' legitimate objectives and statewide planning goals; and

WHEREAS, economies of scale are a very real advantage in the water service industry, given the high level of capital investment in the various components of the system: treatment, storage, transmission, and distribution at adequate pressures for home and commercial use as well as fire protection, emergency repair response, and preventive maintenance. To be able to meet these needs in the long-term at the lowest possible rates within a given territory is best achieved by a large utility providing services directly. To attempt to deliver these services in an urban setting through a specialized district does not make good sense; and

WHEREAS, administrative overhead is lowered and accountability to ratepayers is best achieved where all urban services within a given territory are provided by one entity (city) rather than several separate entities. Where multiple jurisdiction overlap to provide various services, the result is confusion over jurisdiction, overlapping service areas, and duplication of service; and

WHEREAS, the Energy Department's report states that the Rockwood P.U.D. petition is very unusual in that it "does not primarily involve whether a P.U.D. would provide cheaper rates than the utility providing the existing service. What is really involved in this proceeding is a question of annexation by local governments" (Energy Report, p. 3); and

WHEREAS, the Board has determined, based on the record, that the public interest will best be served in this unique case by adjusting the proposed boundaries to exclude lands that are to be served by municipalities; and

WHEREAS, the chief sponsors of the petition have stated that if the lands inside city limits or inside city urban services boundaries are excluded from the P.U.D. boundaries, the P.U.D. would not be a viable service entity and would not be formed; and

WHEREAS, it would be pointless and against the public interest to place on the ballot a proposal to create a P.U.D. that is not viable;

NOW, THEREFORE, BE IT RESOLVED that

Based on the foregoing, the Rockwood Water P.U.D. proposal is denied.

ADOPTED this ____ day of December, 1989.

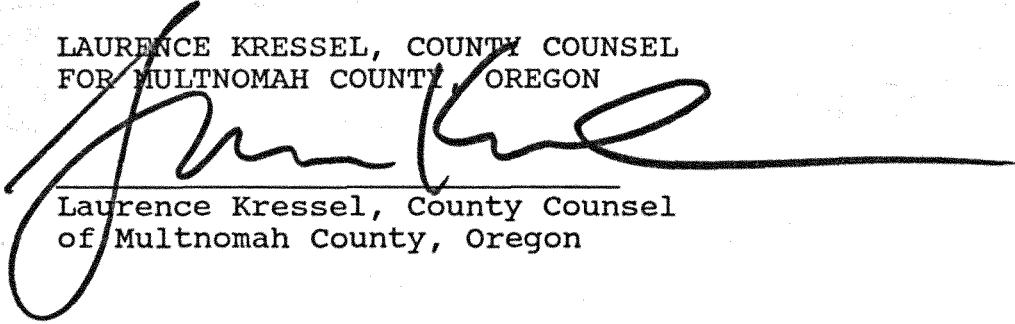
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

(SEAL)

By _____
Gladys McCoy, Chair
Multnomah County, Oregon

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON



Laurence Kressel, County Counsel
of Multnomah County, Oregon

(12/19/89)

ATTY1.23/dc



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

January 9, 1990

Bill Stallings
14606 SE Harrison St.
Portland, OR 97233

Herb Brown
1546 SE 138th
Portland, OR 97233

Laurence Kressel
County Counsel
Multnomah County
1120 SW Fifth, Room 1530
Portland, OR 97204

Frank Josselson
Attorney at Law
Josselson, Potter and Roberts
53 SW Yamhill
Portland, OR 97204

Leo F. Effle
14153 E Burnside
Portland, OR 97233

Rockwood Water District
19601 NE Halsey Street
Portland, OR 97230-7489

Tom Sponslor
City Attorney
City of Gresham
1333 NW Eastman Parkway
Gresham, OR 97030

Ruth Spetter
Deputy City Attorney
City of Portland
1220 SW Fifth, Room 315
Portland, OR 97204

Dear Sirs and Madams:

RE: Rockwood Water PUD Resolution setting boundaries

Enclosed is the Multnomah County Board of Commissioners Resolution approving the boundaries of the proposed Rockwood Water People's Utility District approved by the Board December 19, 1989.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By Jane McGarvin
Jane McGarvin
Clerk of the Board

jm

0523C.66

CERTIFICATE OF SERVICE

I hereby certify that I served the within Notice of Approval and Multnomah County Board of Commissioners Resolution #89-214 on:

Bill Stallings
14606 SE Harrison St.
Portland, OR 97233

Leo F. Effle
14153 E Burnside
Portland, OR 97233

Herb Brown
1546 SE 138th
Portland, OR 97233

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53 SW Yamhill
Portland, OR 97204

Ruth Spetter
Deputy City Attorney
City of Portland
1220 SW Fifth, Room 315
Portland, OR 97204

on the 9th day of January, 1990, by mailing to each a true and correct copy thereof, certified by me as such. I further certify that said copies were placed in sealed envelopes, addressed as above, and deposited in the Post Office at Portland, Oregon and that the postage thereon was prepaid, except for copies sent to County Counsel and City of Portland City Attorney, which are sent by internal mail.

Dated: January 9, 1990


Jane McGarvin, Clerk of the Board

1 NOW, THEREFORE, BE IT RESOLVED that

2 1. Subject to point 2 below, the boundaries of the
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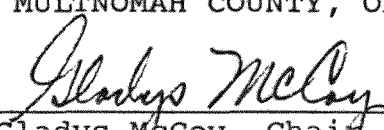
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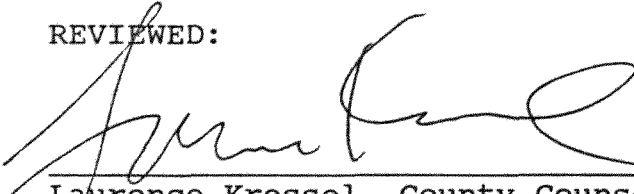
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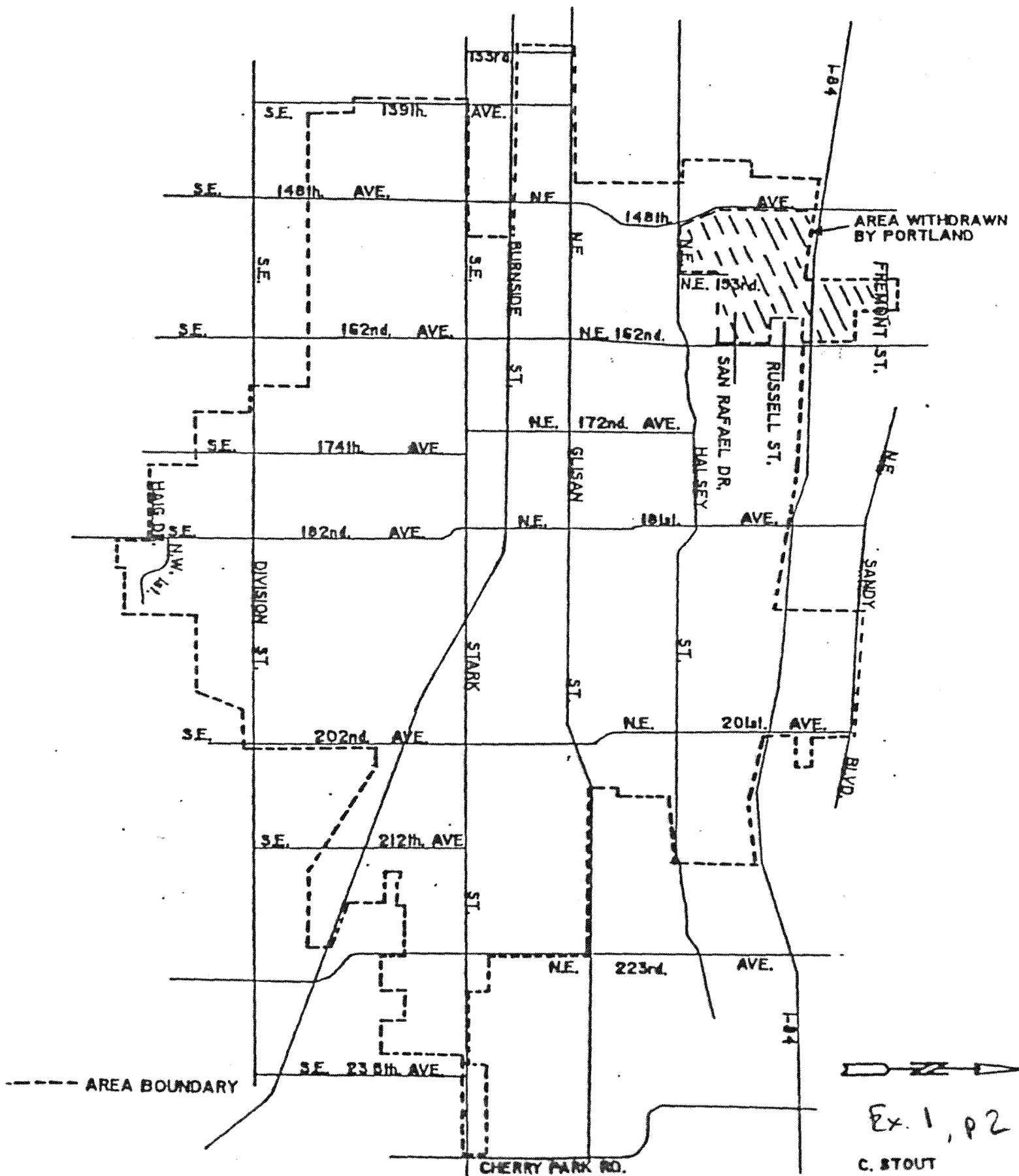
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Page 2 of 2

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Fr. 2 1.2

