



22500 Salamo Road
West Linn, Oregon 97068
<http://westlinnoregon.gov>

UTILITY ADVISORY BOARD MEETING

Summary Notes

Tuesday, October 13, 2015

6:00 p.m. – Meeting – Bolton Conference Room

1. Call to Order and Introductions

Called to order at 6:00pm

Members Present: Alice Richmond, Bill Frazier, Erik Miller, Jon Miller, Ray Kindley

Staff/City Representatives Present: Richard Seals, Brenda Perry, Lance Calvert

2. Approval of September 2015 Summary Notes

- Motion to approve by Erik, Alice seconded. Notes were approved unanimously.

3. Ongoing Water Rate Increase discussion

- Past discussions indicate that dry summer has increased water revenues. Richard provided data regarding weather trends as requested by the group at previous meetings. July is always the peak month for water use and this month was used to provide information on weather trends. Weather information (past five years) was compared to water use trends for corresponding months and overall water revenues for those years. There is an overall pattern of temperatures increasing slightly, but not as drastically as this past year's temperatures. 2009 was an extremely hot year but the following years were cooler and had more rain (2011 had average temperature in the 70's). Some members recommend waiting to go to voters until after next summer. The group would like to consider this information and table any recommendations (including previous 18% recommendation to Council) until next meeting. Ray made this motion and Alice seconded.

Meeting Notes:

The Council Chambers is equipped with an induction loop and a limited number of neck loops for the hearing impaired. Please let the City know if you require any special assistance under the Americans with Disabilities Act, please call City Hall 48 hours prior to the meeting date, 503-657-0331.

Please help us to accommodate citizens who are chemically sensitive to fragrances and other scented products. Thank you for not wearing perfume, aftershave, scented hand lotion, fragranced hair products, and/or similar products.

4. Continued discussion of City's position on interpretation of rate increase requirements per section 44 of the code – review of letter drafted by Ray Kindley

- Ray provided a draft letter to the group for review and discussion. The letter states that the analysis provided by the City's attorney was vague and ambiguous. The focus of the City attorney's decision was on the ballot language and ignores the language of section 44 of the code. Council Perry will discuss this issue with the City Manager and have further discussion with the City attorney. The group provided Council Perry with a copy of the letter so she could follow up with the City Manager as suggested.

5. Response from City Council regarding letters drafted by UAB Members

- Council Perry will provide feedback at next meeting.

6. Capital Project Update

- Updated provided by Lance Calvert. Council will review award for Bolton Reservoir at next meeting. The project includes reservoir, off-site improvements (water line past high school), road resurfacing, sidewalk installation along skyline, and a retaining wall for the sidewalk. West Linn will be taking over all road restoration work on Mapleton and LOT will be reimbursing the City for all expenses. Rosemont Reservoir is complete but is waiting on AT&T to finish their work. AT&T is paying their lease fees in the mean-time. The City is moving forward with Stormwater and Sanitary Sewer Master Plan update in the winter (this does not include Tri-Cities which is a separate entity).

7. Other Business

- Councilor Perry provided an update on Tri-Cities.

8. Adjournment

- Adjourned at 7:40pm, the motion was made by John and seconded by Ray.

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October 13, 2015

West Linn City Council
West Linn City Hall
22500 Salamo Road
West Linn, OR 97068

Re: City Ordinance Revisions

Dear City Council Members,

The West Linn Utility Advisory Board (UAB) reviewed a legal opinion provided by the Jordan Ramis law firm dated May 27, 2015. The Jordan Ramis letter concluded that the City had authority to increase the water rates up to five percent of the rates in effect for the prior year. The Jordan Ramis letter appears, however, to base its conclusions on information that does not support the letter's conclusion.

The UAB asked for an opinion on whether Section 44 of the City's Charter limited the City authority raise water rates up to five percent of the water rate that was in effect on June 18, 1999. The City Charter provides in relevant part:

No "utility rate increase" may exceed 5% in any calendar year without first receiving voter approval. . . . For purposes of this section a "utility rate increase" is the cost increase paid to the City by a user of the sanitary sewer, storm sewer and water systems above the rate paid on June 18, 1999, . . .

For years the City has determined its water rate increases, for increases without voter approval, to five percent of prior year water rate. That methodology has resulted in an annual compounding effect that has greatly increased the City's water rates.

The Jordan Ramis letter acknowledged that interpretation of the City Charter should consider the "text and context of the measure itself." The Jordan Ramis letter, however, does not give any consideration of the text of Section 44 or its plain meaning. The Jordan Ramis conclusion completely relies, instead, on statements from the voter's pamphlet concerning Section 44. Those statements are ambiguous at best and could be interpreted to mean five percent of the 1999 rates or five percent of the prior year's rate. In short, the Jordan Ramis conclusion is not supported by the voter pamphlet statement and conflicts with the plain language of Section 44.

The Utility Advisory Board respectfully requests the Jordan Ramis law firm to reconsider its legal opinion and to consider the text and context of Section 44. The Utility Advisory Board

-DRAFT LETTER PROVIDED TO UAB ON 10/13/15

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Date: 10-13-15

	Name	Phone	Email
✓	Ray Kindley	503-655-1773	
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✓	Lance Calvert – Public Works Director	503-722-5500	lcalvert@westlinnoregon.gov
✓	Brenda Perry – City Council Liaison		bperry@westlinnoregon.gov