

Wednesday, December 7, 2022 – 12:15 p.m. Medford Police Department Prescott Room 219 S. Ivy Street, Medford, Oregon 97501

This meeting will be held in person, but you may attend virtually through the following link: <u>https://us02web.zoom.us/webinar/register/WN_9swfdsQxTle7e2h2KmlYjA</u> The meeting passcode is 451599.

Online participants will be able to view presentation material and submit questions or comments. You can also join by dialing in with your phone; call (669) 900-6833. The meeting ID number is 823 6561 2040, and the meeting passcode is 451599.

AGENDA

11:45 a.m. LUNCH

12:00 p.m. STUDY SESSION – Cherry Lane Well Wishers Agreement (General Manager Brad Taylor)

12:15 p.m. BOARD MEETING

- 1. Roll Call
- 2. Pledge of Allegiance
- **3.** Comments from the Audience Comments will be limited to 4 minutes per individual, group, or organization; please state your name and organization (if applicable) when prompted.

4. Public Hearings

4.1 Consider Resolution No. 1849, A RESOLUTION Prescribing and Establishing Rates for the Use and Sale of Water from the Municipal Water System of the City of Medford, Oregon, Within and Without Said City, to Intermittent Users, and to Special Outside Customers, Repealing All Prior Rates in Conflict Herewith and Providing That the Modifications as Set Forth in the 2022 Cost of Service Study Shall Become Effective on March 1, 2023, and Thereafter

5. Consent Calendar

- 5.1 Approval or Correction of the Minutes of the Last Regular Meeting of November 16, 2022
- 5.2 Resolution No. 1850, A RESOLUTION Authorizing the Chair to Execute a Five-Year Renewal of the Water Supply Agreement Between the City of Medford, Oregon, an Oregon Municipal Corporation, Acting By and Through its Board of Water Commissioners and Cherry Lane Well Wishers, Inc., a Non-Profit Corporation

6. Items Removed from Consent Calendar

7. Leadership Team Reports

Leadership Team staff will be present and may provide information: Engineering Manager Brian Runyen, Water Meter & Controls Manager Ken Johnson, Water Maintenance Manager Lester McFall, Water Quality & Treatment Manager Ben Klayman, Interim Finance Manager Anna Roeder, Information Technology Manager Kris Stitt, Human Resources Manager Tanya Haakinson, Customer Service & Water Efficiency Manager Julie Smitherman, and General Manager Brad Taylor.

8. **Propositions and Remarks from the Commissioners**

9. Adjourn

DATES TO REMEMBER*							
DATE	DAY	TYPE OF MEETING	STUDY SESSION TIME & TOPIC	REGULAR MEETING	LOCATION		
12/21/22	Wed	Board Meeting	11:45am – Annual Audit & Bulk Water Sales Update	12:15 p.m.	Prescott Room, Police Dept.		
Monday, December 26, 2022 – Offices closed in observance of the Christmas Day Holiday							
Monday, January 2, 2023 – Offices closed in observance of the New Year's Day Holiday							
1/4/23	Wed	Board Meeting	11:45am – TBD	12:15 p.m.	TBD		
Monday, January 16, 2023 – Martin Luther King Jr. Day – Offices closed							
1/18/23	Wed	Board Meeting	11:45am – Source Water Protection Plan	12:15 p.m.	TBD		

*Meeting dates, times, and locations are subject to change.



Memorandum

то:	Commissioners Bob Strosser, Michael Smith, John Dailey, Jason Anderson
FROM:	Anna Roeder, Interim Finance Manager
DATE:	Wednesday, December 7, 2022
SUBJECT:	Item 4.1 - Resolution 1849, Prescribing and Establishing Rates for the Use and Sale of Water from the Municipal Water System of the City of Medford
OBJECTIVE:	Board Approval

Issue

Medford Water reconsiders its Cost of Service on an annual basis in order to equitably allocate revenue requirements to the various customer classes of service.

Discussion

Shawn Koorn of HDR, Inc. presented study sessions to the Board on November 2 and November 16 on the 2022 Cost of Service Study.

An updated rate structure for special accounts (Schedule 8) will be restructured. While there are no proposed changes to the rate structure or customer classes of service for other schedules, class usage characteristics and cost information was updated and specific rate components will be assessed based on actual costs: high level surcharges (system average adjustment), backflow fee (no change), and the Bulk Water Rate (no change).

Based on HDR's analysis, staff recommends board consideration of modifications in the monthly and gallonage charges for all customer groups. A non-inclusive rate summary sheet is attached, along with a copy of the resolution. Notice of the public hearing was provided to all customer groups, other interested parties, as well as the general public. If approved, modified rates would become effective March 1, 2023.

Financial Impact

Total system revenue adjustment is estimated at 7.8% for retail customers (including inside and outside customers), 11.9% for districts, and 9.2% for Partner Cities.

Requested Board Action

Staff recommends approval of Resolution 1849, which modifies water rates for all customer groups served by the Medford Water system.

RESOLUTION NO. 1849

A RESOLUTION Prescribing and Establishing Rates for the Use and Sale of Water from the Municipal Water System of the City of Medford, Oregon, Within and Without Said City, to Intermittent Users, and to Special Outside Customers, Repealing All Prior Rates in Conflict Herewith and Providing That the Modifications as Set Forth in the 2022 Cost of Service Study Shall Become Effective on March 1, 2023, and Thereafter

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF WATER COMMISSIONERS OF THE CITY OF MEDFORD, OREGON, AS FOLLOWS, THAT:

SECTION 1. On the 28th day of February 2023, all rates heretofore prescribed and established for the use and sale of water from the municipal water system of the City of Medford, Oregon, within and without said City, shall be repealed.

SECTION 2. Beginning with the billing for water service on the 1st day of March 2023, and thereafter, the rates for the use and sale of water from the municipal water system of the City of Medford, Oregon, within and without said City, shall be as set forth in the Schedules of the 2022 Cost of Service Study, a copy of which is on file at Medford Water's office and by reference made a part hereof, and summarized non-inclusively (per 1,000 gallons) as follows; the modified schedules will replace the repealed schedules in Exhibit E of the Regulations Governing Water Service, also effective March 1, 2023.

INSIDE CUSTOMERS:	CURRENT	PROPOSED	
Residential Gallonage/Mo	.: 0-5,000 6,000-25,000 Over 25,000	\$0.88 \$1.59 \$2.31	\$0.95 \$1.72 \$2.49
Non-Residential		• ·	
Gallonage Blocks:	Summer Winter	\$1.57 \$1.37	\$1.69 \$1.49
OUTSIDE CUSTOMERS:	CURRENT	PROPOSED	
Residential Gallonage/Mo	.: 0-5,000 6,000-25,000 Over 25,000	\$1.29 \$2.34 \$3.44	\$1.39 \$2.53 \$3.71
Non-Residential			
Gallonage Blocks:	Summer Winter	\$2.08 \$1.88	\$2.24 \$2.04
DISTRICTS:		CURRENT	PROPOSED
Gallonage Blocks:	Summer Winter	\$0.80 \$0.60	\$0.90 \$0.70
PARTNER CITIES:	CURRENT	PROPOSED	
Gallonage Blocks:	Summer Winter	\$0.89 \$0.69	\$0.97 \$0.77
BULK WATER STATION:	CURRENT	PROPOSED	
Gallonage Charge:		\$4.01	\$4.01

PASSED by the Board of Water Commissioners and signed by me in authentication of its passage this 7th day of December 2022.

ATTEST:

Yvette Finstad, Asst. Clerk of the Commission



Memorandum

то:	Commissioners Bob Strosser, Michael Smith, John Dailey, Jason Anderson	
FROM:	Brad Taylor, General Manager	
DATE:	Wednesday, December 7, 2022	
SUBJECT:	Item 5.2 – Reso. 1850, Authorizing a 5-Year Renewal of the Cherry Lane Well	
	Wishers Agreement	
OBJECTIVE:	Board Approval	

lssue

The water supply agreement with Cherry Lane Well Wishers, Inc. (CLWW), is up for renewal.

Discussion

This resolution will approve the renewal of the water supply agreement with members of the Cherry Lane Well Wishers, which has been in effect since 1977. All properties have been annexed into the City of Medford, but they are not served by Medford Water infrastructure. There are currently five (5) customers served by the CLWW.

The agreement also requires CLWW to install and annually test a backflow prevention device to meet the regulations and standards of Medford Water.

A full copy of the agreement will be provided at the meeting.

Financial Impact

There are no financial impacts to Medford Water as a result of this agreement.

Requested Board Action

Staff recommends approval of Resolution 1850, authorizing the Chair to execute a five-year renewal of the water supply agreement with Cherry Lane Well Wishers, Inc.

RESOLUTION NO. 1850

A RESOLUTION Authorizing the Chair to Execute a Five-Year Renewal of the Water Supply Agreement Between the City of Medford, Oregon, an Oregon Municipal Corporation, Acting By and Through its Board of Water Commissioners and Cherry Lane Well Wishers, Inc., a Non-Profit Corporation

WHEREAS, the Medford Water Commission has had a water supply agreement with Cherry Lane Well Wishers, Inc. since 1977; and

WHEREAS, all of the area has been annexed into the City of Medford but does not have infrastructure for services; and

WHEREAS, the Board of Water Commissioners has found and determined that the amount of water supply necessary to serve the water users within the Cherry Lane Well Wishers, Inc. service area is surplus to the needs of the inhabitants of the City of Medford; and

WHEREAS, the current water supply agreement between the Commission and Cherry Lane Well Wishers, Inc. expired on November 15, 2022; and

WHEREAS, the agreement terms and conditions have been reviewed and accepted by Commission staff and members of Cherry Lane Well Wishers, Inc.; and

WHEREAS, all members of Cherry Lane Well Wishers, Inc. have signed the Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF WATER COMMISSIONERS OF THE CITY OF MEDFORD, OREGON, AS FOLLOWS:

That the Chair is hereby authorized and directed to execute a water supply agreement between the City of Medford, Oregon, by and through its Board of Water Commissioners and Cherry Lane Well Wishers, Inc., for a five-year period beginning December 15, 2022, as set forth in the attached Exhibit A, attached hereto and by reference made a part hereof, is hereby approved.

PASSED at a regular meeting of the Board of Water Commissioners of the City of Medford, Oregon and signed by me in authentication thereof this 7th day of December 2012.

ATTEST:

Yvette Finstad, Asst. Clerk of the Commission

Bob Strosser, Chair

A full copy of this agreement, signed by property owners, will be available at the meeting.

After recording, return to: Medford Water Commission 200 S. Ivy Street, Room 177 Medford, OR 97501

AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2022, between the City of Medford, Oregon, a municipal corporation of the State of Oregon, acting by and through its Board of Water Commissioners (hereinafter referred to as "COMMISSION") and Cherry Lane Well Wishers, Inc., a non-profit corporation, (hereinafter referred to as "CORPORATION").

RECITALS:

1. The area served by CORPORATION consists of 5 parcels of real property in Jackson County, Oregon, described on Exhibits A, B, C, D, and E, and depicted on Exhibit F. The purpose of this agreement is to make water service available to CORPORATION on a temporary basis to replace its members' inadequate wells. Both parties recognize that the pipeline now installed for temporary service hereunder is inadequate in capacity, particularly as regards fire-flow capability, and does not meet the regularly established standards for water service within the City of Medford in terms of quantity, pressure, or quality of the materials used.

2. It is contemplated that if the area, or any part thereof, is annexed, an entirely new system equal to standards for water distribution within the City of Medford will eventually be constructed through development of the area and accepted by COMMISSION, and will serve the properties within the area now served by CORPORATION and that the cost of such new water distribution and supply system thus constructed will be apportioned among and assessed to the area to be served, including properties to be served by CORPORATION hereunder.

OBLIGATIONS:

3. During the period which will expire five years after the effective date of this agreement or annexation of all or any part of the area served by CORPORATION, and subject to the conditions in Paragraphs 4 to 7 hereof, COMMISSION shall make water service available to CORPORATION at COMMISSION's water main in Mariposa Terrace in accordance with COMMISSION's regulations governing water service.

- 4. In consideration thereof CORPORATION agrees:
 - (a) That CORPORATION will pay all costs of facilities installed for the said temporary service including maintenance thereof.

- (b) CORPORATION shall install and maintain a backflow prevention device meeting COMMISSION's regulations and standards on the private side of their water meter.
- (b) CORPORATION shall pay COMMISSION for water service rendered thereafter in accordance with regularly established rates for water users of the same classification within the City of Medford, such rate to consist of a monthly service charge equivalent to ³/₄-inch service for each user served by the Corporation, and a gallonage charge for the total amount of gallons delivered to the Corporation each month at the point of delivery.
- (c) COMMISSION shall cause this Agreement to be recorded as an official document at the Jackson County Courthouse, 10 South Oakdale, Medford, Oregon.

5. It is understood that all water distribution pipes and facilities within CORPORATION's service area remain the property and responsibility of CORPORATION and this agreement is conditioned on the assumption that the City of Medford shall, after annexing of all or any part of the area, permit CORPORATION to maintain its present pipes and facilities within the streets in which they are situated for the duration of this agreement, and that at the termination or expiration of this agreement said pipes and facilities shall be deemed abandoned. During the effective period of this contract, CORPORATION, therefore, shall pay for its maintenance of its distribution facilities, including the temporary supply facilities, and it is understood that COMMISSION assumes no responsibility for the operation of the said distribution pipes and facilities during said period of time. CORPORATION acknowledges that it is an independent public water system regulated by the Oregon Health Division. As such, CORPORATION is responsible for compliance with applicable regulations.

6. The parties agree that CORPORATION shall serve no more than five (5) single-family residences from its distribution lines.

7. This contract shall take effect immediately and upon its termination or expiration, the obligation of COMMISSION to make available water and water service to CORPORATION shall end. COMMISSION's obligations under this agreement may also terminate:

- (a) If COMMISSION constructs a public water supply and distribution system serving the same area; or,
- (b) CORPORATION is in default in any of the obligations under paragraph 4 hereof and fails to remedy the default within thirty (30) days after written notice by COMMISSION; or,
- (c) CORPORATION permits any connection beyond five without the prior written consent of COMMISSION; or,
- (c) CORPORATION ceases to be a corporation in good standing.

8. The members of the Corporation are jointly and severally responsible for the obligations of the Corporation hereunder.

9. The provisions of this contract shall run with the land and benefit and burden the successors of the parties.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF MEDFORD ACTING BY AND THROUGH ITS **BOARD OF WATER COMMISSIONERS**

By: _____Chair

Attest: ______ Asst. Clerk of the Commission

CHERRY LANE WELL WISHERS, INC. An Oregon Corporation

By:

Marlene Nelson, President

--CONTINUED ON NEXT PAGE--

EXHIBIT A

Commencing at a 1 inch iron bolt on the Northerly line of Cherry Lane from which the Northeast corner of Donation Land Claim No. 58 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, bears North 89° 41' 00" West 1161.68 feet and South 60.0 feet; thence North 0° 00' 30" East along the West line of tract described in Volume 450, Page 26, Jackson County, Oregon, Deed Records, a distance of 310.60 feet to a 5/8 inch iron pin being the true point of beginning; thence South 89° 41' 00" West 118.69 feet to the beginning of a curve, having a radius of 209.80 feet; thence Northwesterly on an arc, a distance of 211.75 feet (long chord bears North 60° 50' 10" West 202.87 feet) to the Northwest corner of said tract described in Volume 450, Page 26, Jackson County, Oregon, Deed Records; thence South 0° 00' 30" West along the West line of said tract, a distance of 527.81 feet to the true point of beginning.

For Informational purposes only, the following is included: (Map 371W27AA, Tax Lot 600, Account No. 1-042604-9, Code 49-01, commonly known as: 4194 Aerial Heights Drive, Medford, Oregon)

EXHIBIT B

Beginning at a point which is South 973.15 feet from the Southeast corner of Donation Land Claim No. 62 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, (said point also being 503.66 feet North of the north line of Cherry Lane (Road); thence East 90.83 feet to the east line of tract described in Volume 507 page 396 of the Deed Records of Jackson County, Oregon; thence North, along said line, 288.94 feet to a point on the southerly boundary of a roadway; thence, along said roadway, South 79°54' West 27.80 feet; thence South 57°25' West 89.84 feet; thence South 89° 45' West 305.53 feet, more or less, to the west line of tract described in Volume 488, Page 161, said Deed Records; thence South, along said line, 234.74 feet to a point West of the point of beginning; thence East 308.6 feet to the point of beginning.

For Informational purposes only, the following is included:

(Map 371W27AA, Tax Lots 700 & 800, Account Nos. 1-042593-6 & 1-042607-1, Code 49-01, commonly known as: 4200 Aerial Heights Drive, Medford, Oregon)

EXHIBIT C

Commencing at an iron pipe monument from which the Northeast corner of Donation Land Claim No. 58, Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, bears South 58.76 feet and West, 425.90 feet; Thence South 89°50'30" East, 1999.84 feet along the Northerly line of the County Road; known as Cherry Lane, to the point of beginning; thence North 0°09' West, 295.16 feet; thence North 89°50'30" West 330.00 feet; thence South 0°09' East 295.16 feet to the North line of Cherry Lane; thence South 89°50'30" East, 330.00 feet to the point of beginning.

For Informational purposes only, the following is included: (Map 371W27AA, Tax Lot 1300, Account No. 1-042611-1, Code 49-01, commonly known as: 4421 Cherry Lane, Medford, Oregon)

EXHIBIT D

Commencing at a point on the North line of Cherry Lane which bears North 60.00 feet and South 89°41'00" East 1799.74 feet from the Northeast corner of Donation Land Claim Number 58 in Township 37 South, Range 1 West, Willamette Meridian in Jackson County, Oregon, said point being also the Southwest corner of that tract described in Document Number 74-06034, official records for said County and State; thence North 89 °41'00" West, along said North line of Cherry Lane, 25.00 feet to a 5/8 inch steel pin marking the true point of beginning of the herein described tract of land; thence North 0 °00'30" East, parallel with the West line of said tract, 282.50 feet to a 5/8 inch steel pin; thence North 84 °38'06" West 319.32 feet to a point on the West line of that tract described in Volume 488, Page 161, Deed Records for Jackson County, Oregon; thence South 0 °06'20" West 310.60 feet to the Southwest corner of said tract; thence South 89 °41'00" East 323.46 feet to the true point of beginning.

For Informational purposes only, the following is included: (Map 371W27AA, Tax Lot 1500, Account No. 1-042592-8, Code 49-01, commonly known as: 4305 Cherry Lane, Medford, Oregon)

EXHIBIT E

Commencing at the northeast corner of Donation Land Claim No. 58 in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence South 89°33'50" East (record South 89°44'00" East), along the south line of Cherry Lane (County Road), 1196.60 feet to the true point of beginning; thence continue South 89°33'50" East (record South 89°44'00" East), along the south line of said Cherry Lane, 160.0 feet; thence South 250.0 feet; thence North 89°33'50" West 160.0 feet; thence North 250.0 feet to the true point of beginning.

TOGETHER WITH, a portion of Reserve Acreage Phase 18 per SUMMERFIELD AT SOUTH EAST PARK, PHASE 17 AND PHASE 22A, filed for record on December 7, 2018, in Volume 44 of Plats at Page 23 of the Records of Jackson County Oregon, and filed as Survey Number 22690, in the office of the Jackson County Surveyor. Said portion being more particularly described as follows: Beginning at the northwest corner of said Reserve Acreage Phase 18, being at the southerly right-of-way of Cherry Lane; thence along the northerly boundary of said Reserve Acreage Phase 18 and southerly right-of-way, South 89°41'40" East, 10.64 feet; thence leaving said boundaries, South 00°00'09" West, 150.02 feet to the northerly boundary of Lot 494 of SUMMERFIELD AT SOUTH EAST PARK, PHASE 16 AND PHASE 22B, filed for record on February 15, 2019, in Volume 45 of Plats at Page 03 of the Records of Jackson County Oregon, and filed as Survey Number 22735, in the office of the Jackson County Surveyor; thence along the northerly boundary thereof, North 89°41'44" West, 10.64 feet to the westerly boundary of said Reserve Acreage Phase 18; thence leaving said northerly boundary of Lot 494, and along the westerly boundary of said Reserve Acreage Phase 18, North 00°00'09" East, 150.02 feet to the Point of Beginning.

ALSO TOGETHER WITH, a portion of Lot 494 of SUMMERFIELD AT SOUTH EAST PARK, PHASE 16 AND PHASE 22B, filed for record on February 15, 2019, in Volume 45 of Plats at Page 03 of the Records of Jackson County Oregon, and filed as Survey Number 22735, in the office of the Jackson County Surveyor. Said portion being more particularly described as follows: Beginning at the northwest corner of said Lot 494; thence along the northerly boundary thereof, South 89°41'44" East, 10.64 feet; thence leaving said northerly boundary, South 00°00'09" West, 34.69 feet to the westerly boundary of said Lot 494; thence along the westerly boundary thereof the following courses and distances: North 26°58'28" West, 23.47 feet and North 00°00'09" East, 13.83 feet to the Point of Beginning. **ALSO TOGETHER WITH**, a portion of Lot 493 of SUMMERFIELD AT SOUTH EAST PARK, PHASE 16 AND PHASE 22B, filed for record on February 15, 2019, in Volume 45 of Plats at Page 03 of the Records of Jackson County Oregon, and filed as Survey Number 22735, in the office of the Jackson County Surveyor. Said portion being more particularly described as follows: Beginning at the northeast corner of said Lot 493; thence along the easterly boundary thereof, South 26°58'28" East, 37.77 feet; thence leaving said easterly boundary, South 63°01'32" West, 19.23 feet to the northwesterly boundary thereof; thence along said northwesterly boundary, North 00°00'09" East, 42.38 feet to the Point of Beginning.

LESS AND EXCEPTING THEREFROM, a portion of Instrument Number 69-04945, of the Official Records of Jackson County, Oregon, being more particularly described as follows: Commencing at the northeast corner of Instrument Number 69-04945, said records; thence along the easterly boundary thereof, South 00°00'09" West, 206.23 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said easterly boundary, South 00°00'09" West, 46.50 feet to the southeast corner thereof; thence along the southerly boundary thereof, North 89°33'41" West, 33.44 feet; thence leaving said southerly boundary, North 26°58'28" West, 26.04 feet; thence North 63°01'32" East, 50.78 feet to the Point of Beginning.

ALSO LESS AND EXCEPTING THEREFROM, a portion of Instrument Number 69-04945, of the Official Records of Jackson County, Oregon, being more particularly described as follows: Commencing at the northeast corner of Instrument Number 69-04945, said records; thence along the easterly boundary thereof, South 00°00'09" West, 252.73 feet to the southeast corner thereof; thence along the southerly boundary thereof North 89°33'41" West, 33.44 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said southerly boundary North 89°33'41" West, 56.57 feet; thence leaving said southerly boundary, North 63°01'32" East, 50.21 feet; thence South 26°58'28" East, 26.04 feet to the Point of Beginning.

For Informational purposes only, the following is included: (Map 371W27AC, Tax Lot 1200, Account No. 1-042612-0, Code 49-01, commonly known as: 4240 Cherry Lane, Medford, Oregon)

EXHIBIT F



CHERRY LANE WELL WISHERS, INC. - 2022 AGREEMENT