

W. 8. D. 4

**AGENDA COVER MEMO**

**DATE:** June 11, 2003  
**TO:** Board of County Commissioners  
**DEPT.:** Public Works/Parks Division  
**PRESENTED BY:** Rich Fay, Parks Manager  
**AGENDA ITEM TITLE:** IN THE MATTER OF APPROVING A LETTER TO THE  
HECETA WATER DISTRICT ON CHARGES FOR WATER TO  
CERTAIN PARK FACILITIES (NBA & PM 5/7/03)

**I. MOTION**

Move to approve the Order to sign a letter to the Heceta Water District on charges for water to certain park facilities.

**II. ISSUE OR PROBLEM**

In the May 7, 2003 meeting, the Board of County Commissioners clarified their position regarding the easement agreement with regard to the base meter charge fees. The Board stated their intent in the agreement was the Parks Division was to receive water at "no fee" and with no fee for the base meter charge fees.

**III. DISCUSSION**

**A. Background**

The Board signed an easement agreement with the Heceta Water District on February 15, 2001, Order 00-8-30-13, granting an easement across County Property for the purposes of water transmission facilities. The terms of that agreement are provided in Agreements: #6. Consideration:

"As consideration for this Utility Easement, Water District shall provide up to 1.5 million gallons per calendar year at no fee to the County's park facilities at Harbor Vista Park, Heceta Beach, and the Munsel and Mercer Lake boat landings."

The Heceta Water District is continuing to bill Lane County Parks for base meter charge fees. In a recent letter from Ted Condo, Chairman of the Heceta Water District Board, Mr. Condo asked the Board of County Commissioners to clarify their position with regard to the base meter charge fees.

On May 7, 2003 the Parks Manager participated in a "Work Session/In the Matter of the Terms of Agreement of Water Usage in a Utility Easement between Heceta Water District and Lane County." The Board clarified their position in that meeting regarding the easement agreement. The Board stated their intent in the agreement was the Parks Division was to receive water at "no fee" and with no fee for the base meter charge fees.

**B. Analysis**

The Board directed staff to prepare a letter to the Heceta Water District Board Chair in response to the letter from Ted Condo, Chairman of the Heceta Water District Board, in which Mr. Condo asked the Board of County Commissioners to clarify their position with regard to the base meter charge fees. The proposed response letter is included in this Board packet as Attachment A.

**C. Alternatives/Options**

You have at least the following options with regard to this matter:

1. Approve the Order and authorize the Chair of the Board of County Commissioners to sign a letter from the Board, Attachment A, to notify Heceta Water District of Lane County's intentions in the agreement that Parks facilities named in the agreement were to receive water at "no fee."
2. Do not approve the letter and direct staff to modify the letter.

**D. Recommendation**

Staff recommends option #1.

**E. Timing**

If the Board approves and signs the letter, staff will prepare the mailing.

**IV. IMPLEMENTATION/FOLLOW-UP**

Depends on direction.

**V. ATTACHMENTS**

Attachment A – Letter to the Heceta Water District regarding the easement agreement.

May 27, 2003

Heceta Water District Board  
87845 Hwy. 101 N.  
Florence, OR 97439

**Re: County Park Water Service Billings**

Dear Board Members:

Thank you for your attention to this matter and the December 11, 2002 letter from Ted Condo, then the Chair of the Board. As you know, the easement granted to Heceta Water District across land owned by Lane County included a provision under which the District agreed to provide water "at no fee" to certain listed County park facilities. Until the recent conversations between staff, we had no indication that the water "at no fee" provision meant anything other than no charge to the County. Our expectation from the beginning has been that the water provided to the listed County park facilities would be at no cost. We think that means the County is not obligated to pay the monthly fee for water service or any volume usage charges. We have no recollection of any mention of monthly fees or any other charges that would be incurred for water provided pursuant to the easement.

We understand there was a period of time when charges were actually paid without regard to the easement provision. Our hope would be that all the previous payments and charges for water would be straightened out and that no further charges for water service would accumulate. We would appreciate your attention to taking necessary steps to resolve this as soon as possible.

Thank you for your consideration in this matter.

Sincerely,

Peter Sorenson, Chair  
Lane County Board of Commissioners

cc: Paul Vaughan  
Rich Fay  
Stephen Vorhes

IN THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

)IN THE MATTER OF APPROVING A  
)LETTER TO THE HECETA WATER DISTRICT  
)ON CHARGES FOR WATER TO CERTAIN  
)PARK FACILITIES

**WHEREAS**, the County and Heceta Water District Board signed an easement agreement in 2001, order 00-8-30-13, granting an easement across County property; and

**WHEREAS**, the agreement provides consideration for the utility easement as water at "no fee" to Lane County Parks for park facilities at Harbor Vista Park, Heceta Beach Park, and the Munsel and Mercer Lake boat landings; and

**WHEREAS**, the Heceta Water District Board is continuing to bill Lane County Parks for base meter fees and has requested the Board to clarify their position on the matter; and

**WHEREAS**, it has been determined by the Board that the intent of Lane County in the easement agreement was that the Parks Division receive water at "no fee" including no fee for the base meter charge; and

**WHEREAS**, the Board has directed staff to prepare a letter to the Heceta Water District Board to clarify their position on this matter;

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the attached letter be delivered to the Heceta Water District; and

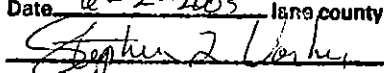
**IT IS FURTHER ORDERED** that the Chair of the Board be authorized to sign the letter.

DATED this \_\_\_\_\_ day of June 2003.

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Peter Sorenson, Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 6-2-2003 Lane County  
  
OFFICE OF LEGAL COUNSEL