

MEMORANDUM

TO: WISE Governance Subcommittee
FROM: Jim Johnson, Interim Oregon Solutions Program Manager
SUBJECT: Governance Options
DATE: March 20, 2012

INTRODUCTION

WISE (Water for Irrigation, Streams and Economy) is a regionally-supported water management project designed to improve the Bear Creek and Little Butte Creek watersheds in Jackson County. The effort will enhance the viability of regional agriculture, critical habitat, and quality of life.

Goals of the project are to:

- Increase stream flows and improve water quality in Bear Creek and Little Butte Creek during irrigation season.
- Improve reliability, efficiency, and effectiveness of water delivery to irrigation districts and their customers.
- Improve the raw water supply quality for municipal treatment and distribution.
- Improve aquatic habitat for native anadromous salmonids and riparian species.

The study area encompasses the Bear Creek and Little Butte Creek watersheds, including the streams and reservoirs that serve the creeks. Six reservoirs in Jackson and Klamath counties supply water to the Bear Creek and Little Butte Creek systems: Agate, Fish, Fourmile, Howard Prairie, Hyatt, and Emigrant. The cities of Medford, Ashland, Talent, Phoenix, Central Point, and Jacksonville are located within the Bear Creek Watershed. The City of Eagle Point is in the Little Butte Creek Watershed.

EXISTING GOVERNANCE

WISE is composed of a group of 19 stakeholders representing agricultural, irrigation, municipal, environmental, watershed, local, state, and federal interests. They have formed a Project Advisory Committee (PAC) that meets monthly to guide project development and evaluate project alternatives. PAC members include the following stakeholders:

- Bear Creek Corporation
- Bear Creek Watershed Council
- The Freshwater Trust
- Jackson County
- Jackson County Farm Bureau
- Jackson Soil and Water Conservation District
- Little Butte Creek Watershed Council
- Medford, City of
- Medford Irrigation District
- Medford Water Commission

- Oregon Water Resources Department
- Oregon Watershed Enhancement Board
- Rogue Basin Coordinating Council
- Rogue River Valley Irrigation District
- Rogue Valley Council of Governments
- Rogue Valley Sewer Services
- Talent Irrigation District
- United States Bureau of Reclamation
- WaterWatch

There is also a group of WISE Partners. They are the agencies that are legally and financially responsible for the project. They include:

- City of Medford
- Medford Water Commission
- Jackson County
- Talent Irrigation District
- Medford Irrigation District
- Rogue River Valley Irrigation District

The 19 PAC members have entered into a Memorandum of Understanding (MOU) which provides a coordinated process for work on the WISE project. The MOU is shown at Attachment 1 and was originally executed by the stakeholders in 19XX. The MOU brings together a diverse group of water resources stakeholders to collaboratively manage the WISE project. Every indication is that the MOU has worked fine to this point in the project; however, the PAC believes that the time is right to explore additional options for governing the project into the future.

GENERAL DESCRIPTION OF GOVERNANCE OPTIONS

WISE is a water management project. The 19 PAC members all have a stake in how the water resources of the Bear Creek and Little Butte Creek watersheds are managed for the benefit of the residents, the economy, and the environment.

Oregon law establishes the legal basis under which the wide variety of water interests can be managed and governed. Some of the governance options are now in place in the region. Oregon law establishes the following types of legal entities to manage some portion of water resources:

- Irrigation District under ORS Chapter 545
- Drainage District under ORS Chapter 547
- Diking District under ORS Chapter 551
- Water Improvement District under ORS Chapter 552
- Water Control District under ORS Chapter 553

- A nonprofit organization under ORS Chapter 554
- A county service district under ORS Chapter 451
- A domestic water supply district under ORS chapter 264
- A unit of local government like a city or a county
- An intergovernmental entity (A Board or Commission) created under ORS Chapter 190.010.
- An intergovernmental Joint Board of Control under ORS Chapter 190.125

It may be possible to provide effective governance of the WISE project by creating (or recreating) the variety of special districts that are possible under Oregon law—for example, using any or all of the Chapter 500+ entities listed above; however, it would seem that only the last two options are the most viable options and seem to best fit the history and the current situation. The PAC is a group of water resources stakeholders who have worked together for more than XX years. It would seem that any new governance option should continue the collaborative approach that has been used thus far in the project’s history. More specifically, the intergovernmental entity and the Joint Board of Control allow partnerships to be formed and then the partners manage the service through a written agreement. The written agreements can be shaped to fit exactly what the members believe is important in their unique situation. Oregon law under Chapter 190 is not at all prescriptive in its requirements. These two approaches will be described in more detail next.

ORS 190.010. ORS 190.010 allows great flexibility for two or more local governments to formally join together to deliver a service. It states:

190.010 Authority of local governments to make intergovernmental agreement. *A unit of local government may enter into a written agreement with any other unit or units of local government for the performance of any or all functions and activities that a party to the agreement, its officers or agencies, have authority to perform. The agreement may provide for the performance of a function or activity:*

- (1) By a consolidated department;*
- (2) By jointly providing for administrative officers;*
- (3) By means of facilities or equipment jointly constructed, owned, leased or operated;*
- (4) By one of the parties for any other party;*
- (5) By an intergovernmental entity created by the agreement and governed by a board or commission appointed by, responsible to and acting on behalf of the units of local government that are parties to the agreement; or (emphasis added)***
- (6) By a combination of the methods described in this section. [Amended by 1953 c.161 §2; 1963 c.189 §1; 1967 c.550 §4; 1991 c.583 §1].*

It is paragraph (5) that is the key paragraph. It allows units of local government¹ to enter into written agreements to collaboratively deliver a public service, such as managing water resources. The new entity would have all the authority and powers that the parties agree to give it.

ORS 190.125. ORS 190.125 is specific to local governments established to deliver water. It states:

190.125 Agreements to deliver water; joint board of control.

*(1) A unit of local government established to deliver water may enter into a written agreement with any other such unit or **units of local government** (emphasis added) for the performance of specified activities by a joint board of control composed of the district managers of the parties to the agreement. A joint board of control, at the direction of the parties to the agreement, may perform any or all functions and activities under the agreement that a party to the agreement, or its officers or agencies, has authority to perform.*

(2) A joint board of control created under this section may undertake cooperative activities, such as:

- (a) Sharing personnel;*
- (b) Entering into joint contracts for operations;*
- (c) Sharing use of equipment, facilities and fiscal resources;*
- (d) Preparing basin and subbasin conservation plans and other planning functions; and*
- (e) Any other cooperative activity authorized by the parties to the agreement.*

(3) An agreement under this section shall specify the functions or activities to be performed by the joint board of control and by what means they shall be performed. The agreement shall provide that the elected boards of the parties to the agreement must approve the operating policy of the joint board of control. The agreement shall also provide that the joint board of control act on behalf of the parties to the agreement and under their policy guidance.

(4) As used in this section, “unit of local government established to deliver water” means an irrigation district organized under ORS chapter 545, a drainage district organized under ORS chapter 547, a diking district organized under ORS chapter 551, a water improvement district organized under ORS chapter 552, a water control district organized under ORS chapter 553 or a nonprofit corporation for irrigation, drainage, water supply or flood control organized under ORS chapter 554.

Note the flexibility in the language, allowing “joint contracts for operations” in paragraph (b) and especially (e), “any other cooperative activity authorized by the parties to the agreement.”

¹Under ORS Chapter 190.010 a “unit of local government” includes a county, city, district or other public corporation, commission, authority or entity organized and existing under statute or city or county charter.

Given the language in paragraph 1 of ORS 190.125, it also appears that the Board of Control can consist of ALL the different types of local governments (see footnote 1 on the previous page) allowed under Oregon law and not just Irrigation Districts.

In summary, ORS 190.010 and 190.125 allow units of local government and units of local government established to deliver water to negotiate a written agreement with one another. The agreements allow the parties to work together on any activity that is legal for any of the parties to undertake. There exists the flexibility to structure a partnership between parties in just about any way that the parties desire.

SOME EXPERIENCE FROM AROUND THE STATE OF OREGON, STATE OF WASHINGTON, AND WESTERN CANADA

A number of watersheds in Western United States and Canada have organized themselves as collaborative entities to jointly manage water resources. A profile of five such regions should be helpful to WISE members to understand the options. Four watersheds in Oregon and one in Canada are profiled here.

1. The Deschutes Water Alliance in Central Oregon. The Deschutes River Basin is managed by a diverse group of stakeholders formed through a Memorandum of Understanding and called the Deschutes Water Alliance. Four major partner-groups comprise the Deschutes Water Alliance:

- **The Deschutes Basin Board of Control (DBBC).** The DBBC is an ORS 190.125 association of seven irrigation districts that includes North Unit, Central Oregon, Swalley, Tumalo, Three Sisters, Arnold, and Ochoco.
- **The Confederated Tribes of Warm Springs (CTWS).**
- **Deschutes River Conservancy (DRC).** A non-profit organization with a mission to restore streamflow and improve water quality in the Deschutes Basin. Membership on the Board of Directors of the nonprofit include representatives of the following groups:²
 - John Allen - US Department of Agriculture, Deschutes National Forest
 - Rick Allen - Jefferson County
 - Bob Bell - At Large
 - Bruce Bischof - At Large
 - Scott Boelman – Department of Interior, Bureau of Reclamation
 - Robert A. Brunoe – The Confederated Tribes of the Warm Springs Reservation
 - Tom Carlsen- At Large
 - Wayne Elmore – Crook County
 - Kyle Gorman – State of Oregon, Oregon Water Resources Department

² From the Deschutes River Conservancy website at: <http://www.deschutesriver.org>.

- Ellen Grover – Secretary, Karnopp Petersen LLP
 - Steve Johnson – Irrigation, Central Oregon Irrigation District
 - Julie A. Keil – Hydroelectric, Portland General Electric
 - Michael LaLonde - At Large
 - Richard Macy – Irrigation, North Unit Irrigation District
 - Bob Main – At Large
 - Jim Manion (Chair) – Tribal, Warm Springs Water & Power Enterprises
 - Jade Mayer – Treasurer, At Large
 - Gregory McClarren - Environment
 - Damien Nurre - Recreation & Tourism
 - Ron Ochs – Shermon/Wasco County
 - Jim Ramsey - Grazing/Livestock
 - Betty Roppe - City of Prineville
 - Jim Rozewski – At Large
 - John Shelk – Timber, Ochoco Lumber Company
 - William Smith – Land Development, William Smith Properties Inc.
 - Amy Stuart - Oregon Department of Fish & Wildlife
 - Brett Swift - Environment, American Rivers
 - Clay Trenz - At Large
 - Alan Unger - Deschutes County
- **Central Oregon Cities Organization (COCO).** Includes representatives from the cities of Bend, Culver, Madras, Maupin, Metolius, Prineville, Redmond, and Sisters. COCO was not formed solely for water resources purposes; rather, it exists to represent the interests of the cities on a wide range of issues.

According to the MOU, the purpose of the Deschutes Water Alliance is to increase understanding of water issues in the region and meet regional water management needs by developing an integrated regional water management plan. It has three stated goals: 1) Secure and maintain stream flows and water quality in the Deschutes Basin for the benefit of fish, wildlife and people; 2) Secure and maintain a reliable and affordable supply of water to sustain agriculture; and 3) Secure and maintain a safe, affordable and high quality water supply for urban communities. The MOU also lists two objectives: 1) Provide a forum for discussion, understanding and coordination of water needs; and 2) Build on the previous studies and reports and work collaboratively to create a regional integrated water management process and plan.

The intergovernmental agreement forming the Deschutes Basin Board of Control is at Attachment 2. The Bylaws for the Deschutes River Conservancy is at Attachment 3. The intergovernmental agreement forming COCO is at Attachment 4. Finally, the Memorandum of Understanding (MOU) for the Deschutes Water Alliance is at Attachment 5.

2. Regional Water Providers Consortium – Portland Area. The Regional Water Providers Consortium was formed in 1997.³ Members include representatives from 22 of the Portland region’s water providers and the regional government, Metro, and represent about 95 percent of the drinking water in the Portland metropolitan area.

- City of Beaverton
- Canby Utility Board
- Clackamas River Water
- City of Gladstone
- Damascus Water District
- City of Fairview
- City of Gresham
- City of Hillsboro Utilities Commission
- City of Forest Grove
- City of Lake Oswego
- Metro
- City of Milwaukie
- Mt. Scott Water District
- Oak Lodge Water District City of Portland
- Raleigh Hills Water District
- Rockwood Water
- City of Sandy
- City of Sherwood
- South Fork Water Board: City of Oregon City/City of West Linn
- City of Tigard Water Department
- City of Troutdale
- City of Tualatin
- Tualatin Valley Water District
- West Slope Water District
- City of Wilsonville
- City of Wood Village

The Consortium’s Annual Report contains its mission statement:

The Regional Water Providers Consortium serves as a collaborative and coordinating organization to improve the planning and management of municipal water supplies in the Portland metropolitan region.⁴

³ According to their website, many of the water providers of the Portland metropolitan area have been meeting together since 1989 through an informal group called the Regional Providers Advisory Group to coordinate water supply planning efforts.

⁴ Regional Water Providers Consortium Annual Report, Fiscal Year 2010-2011, page 5.

The intergovernmental agreement describes a number of general purposes of the Consortium:

- A. To provide a collaborative clearinghouse function for water supply planning and development that fosters regional coordination;
- B. To serve as the central custodian for Plan documents, including computer models and other local decision support functions;
- C. To review and recommend revisions to the Plan, as appropriate;
- D. To provide a forum for the study and discussion of water supply issues of mutual interest to Participants and to collate the responses of Participants to such issues;
- E. To provide a forum for review and discussion of water resource related issues that may relate to application of the statewide land use goals, comprehensive plans, regional plans, or land use regulations;
- F. To allow for public participation in Consortium activities;
- G. To conduct regional conservation programs;
- H. To facilitate emergency preparedness for water suppliers in the region.

The description of the Consortium's working structure helps explain how it is governed:⁵

Consortium Board. The Consortium Board consists of one elected official from each member agency and an alternate. The Consortium Board serves as the decision-and policy-making body for the organization and meets three times a year.

Executive Committee. The Executive Committee of the Consortium Board (EC) also meets three times per year in advance of the full Board meetings. The EC comprises the Board Chair and six members representing each of the three metropolitan counties (Multnomah, Clackamas, and Washington). The Executive Committee assists the Consortium Board in timely and meaningful policy action.

The Consortium Technical Committee. The CTC is made up of staff directors from each of the 23 member agencies. It is responsible for overseeing the implementation of the Consortium work program. This committee works closely with staff on work tasks and is advisory to the Executive Committee and the Board. The CTC generally meets on an every-other-month basis.

Emergency Planning Committee. The EPC's role is to implement work plan tasks related to emergency preparedness, communication and coordination, and to plan for emergency preparedness needs in future years. The EPC hosts trainings, exercises and drills for the member entities. The EPC meets approximately every two months.

The Consortium Conservation Committee. The CCC is made up of conservation staff from each Consortium member plus the City of Newberg. The CCC, which meets monthly, coordinates the work of, and advises, the Consortium Conservation Program

⁵ Regional Water Providers Consortium Annual Report, Fiscal Year 2010-2011, pages 7 and 8.

staff Technical Committee. It oversees implementation of the annual work plan and budget and recommends actions to the Executive Committee and Board.

Umatilla Basin Water Commission⁶. The Umatilla Basin Water Commission is an ORS 190 intergovernmental entity. The Intergovernmental Agreement forming the Commission was executed in December 2009. The Commission’s members consist of Umatilla County, Morrow County, the Confederated Tribes of the Umatilla Indian Reservation, County Line Water Improvement District, and Westland Irrigation District.

For XX years, Commission members operated collaboratively with other interested parties as the Umatilla Basin Water Coalition prior to forming the Commission. In fact, the Coalition still meets regularly, “to address long term water needs in the Umatilla Basin, within Umatilla and Morrow Counties, in order (i) to protect and enhance ground and surface waters and (ii) to develop methods for improving water supplies through planning, aquifer restoration, storage, recovery, and distribution within the region.”⁷

The Commission members described above are joined by representatives from the following groups to form the Water Coalition:

- Umatilla Electric Cooperative
- Butter Creek Irrigation District
- Hermiston Irrigation District
- West Extension Irrigation District
- Stanfield Irrigation District
- Columbia Improvement District
- Port of Morrow
- Port of Umatilla

The Intergovernmental Agreement outlines a variety the governance aspects established to operate the Water Basin Commission. The full IGA is at Attachment X. It may be helpful to the reader to present some key provisions of the IGA at this point.

3.2 Purposes of the Commission - The purposes of the Commission, generally, are (i) to implement Stage 1 of the Umatilla Basin Aquifer Restoration Project; (ii) thereafter, if it is the will of the Commission, to further develop this Project and/or implement other water-related projects; and (iii) to take such other or further actions as are necessary or agreed upon to achieve the goals and objectives of the Commission as may be provided under this Agreement or any subsequent amendments hereto.

⁶ Thank you to J.R. Cook, Director of the Umatilla Water Basin Commission for providing the Intergovernmental Agreement .

⁷ Intergovernmental Agreement forming the Umatilla Basin Water Commission, page 1.

3.3 Governing Body

3.3.1 The governing body of the Commission shall be a Board of Directors, which shall consist of one (1) representative each for Umatilla County, Morrow County, County Line Water Improvement District, Westland Irrigation District and the Confederated Tribes of the Umatilla Indian Reservation, to be appointed by and serve at the pleasure of their respective appointing bodies. Each Party agrees to authorize and delegate to its designated representative the authority to carry out the powers and duties of the Commission under this Agreement. The Parties expressly contemplate that at the conclusion of Stage 1, the composition of the Commission and Board of Directors may be amended to incorporate recommendations contained in the Project Management Plan.

3.4 General Powers and Duties - The Commission shall have all powers and duties provided under ORS 190.003 to 190.110 that are necessary and incidental to the purposes of this Agreement, including but not limited to (i) adopting such rules and internal management policies as it deems necessary in furtherance of the purposes of this Agreement; (ii) providing for such agents and employees as it deems necessary; (iii) contracting for the acquisition of goods and services; and (iv) acquiring and holding tangible and intangible assets as needed for the Project(s), including interests in real property.

3.5 **Limitation of Powers During Stage 1** - Until completion of Stage 1, the powers and duties of the Commission shall be limited to the extent necessary to complete Stage 1. Upon completion of Stage 1, as demonstrated by adoption of a Project Management Plan, the Board of Directors shall review this Agreement, consult with the member Parties, and consider whether changes to this Agreement are desirable to facilitate implementation of the Project Management Plan, take on additional projects, or expedite the conduct of Commission business.

3.6 **Additional Intergovernmental Agreements** - The Commission's general powers include, without limitation, the power to amend this intergovernmental agreement to include other parties, and to enter into such additional intergovernmental agreements as may be necessary to accomplish the purposes of the Commission.

3.8 Meetings

3.8.1 Meetings of the Board of Directors shall be conducted in accordance with the provisions of the Oregon Public Meetings Law, ORS 192.610 to 192.710. The Board of Directors shall hold regular meetings on a quarterly basis. Special or emergency meetings may be called by the Chair or Vice Chair of the Board and may be held by telephone conference call or other electronic communication means as designated by the person calling the meeting.

3.8.2 **Quorum**

A quorum necessary to conducting the business of the Commission and for decision-making shall be defined as a majority of the members of the Board of Directors. In Stage 1, a quorum shall consist of three members. If the number of members of the Board of Directors is changed as a result of amendment of this Agreement, the number of members necessary for a quorum shall be adjusted accordingly.

3.8.3 Voting - Except as otherwise provided in this Agreement, decisions of the Board of Directors shall be made, whenever possible, by consensus as reflected by a unanimous affirmative vote among the members present at any meeting with a quorum. If the Board of Directors is unable to reach consensus after good faith efforts, decisions may be made by an affirmative vote of three members.

3.8.4 Officers - There shall be a Chair and Vice Chair of the Board of Directors, as determined by election among the members. The Board of Directors may provide for other officers if it deems that advisable. Officers elected during Stage 1 shall serve until completion of Stage 1. Thereafter, officers shall be elected annually at the first regular quarterly meeting each year. Officers may be re-elected without limitation.

3.8.5 Additional protocols for officers, meetings, governance and conduct of business may be established from time to time by rule or internal management policy adopted by the Commission, including but not limited to authorizations and/or directions applicable to/or during emergencies.

3.8.6 The Chair of the Board of Directors shall serve as the primary contact person for communicating with and providing oversight to employees, agents and contractors engaged to provide services to the Commission.

3.9 Public Records - The Commission shall comply with the Oregon Public Records Act, ORS 192.410 to 192.505.

3.11 Administrative Agent

3.11.1 The Commission shall appoint a staff person or entity to serve as Administrative Agent for the Commission for Stage 1. Administrative support services to be provided by the Administrative Agent may include: (i) providing public notices; (ii) maintaining public records; (iii) receiving funds and making payments; (iv) assisting the Commission in complying with applicable public contracting requirements; (v) maintaining financial records; (vi) preparing budget reports; (vii) providing related clerical support; and (viii) other administrative support functions as explicitly agreed by the Administrative Agent and Commission.

3.11.2 The Project Management Plan to be prepared and adopted by the Commission as part of Stage 1 shall address long-term provision of administrative services.

Eastern Oregon – Owyhee River Watershed. [More to come here]

Okanagan Basin Water Board⁸. The Okanagan Basin Water Board is a unique form of local government in Canada, established under Provincial legislation with taxation powers to support its actions. The structure and purpose of the OBWB are outlined in an Intergovernmental Agreement.

The Water Board is a collaboration of three Okanagan regional districts. Its mission is to provide leadership on water issues that take in the entire watershed and includes sustainable water supplies, clean water for drinking, and healthy lakes and streams. The Districts also designated the Board to act as the coordinating agency to implement the 1974 Okanagan Basin Study recommendations. The Board does not have regulatory power, but seeks to improve water management by providing a basin-wide perspective and improving communications between regions to reduce fragmentation in policy and planning. The Board also works to improve links between local and senior governments, participating as a partner in Okanagan water research and infrastructure funding.

The OBWB has twelve directors with designated alternates. The three Okanagan regional districts appoint three directors each. The Board also includes representatives from the Okanagan Nation Alliance, the Water Supply Association of B.C., and the Okanagan Water Stewardship Council. These members vote and participate in all but the financial decisions of the Board. Directors hold one-year terms, but many are reappointed for successive terms to provide continuity.

ISSUES RELATED TO GOVERNANCE

There are a number of issues that need to be discussed by any group thinking about creating a new intergovernmental entity. Consider the following:

1. Governing Board.

a. What is the mission of the new intergovernmental entity? What is its vision for the future? What general powers and duties will the entity be given by the “parent” units of government?

b. Who is on the governing Board? Which stakeholder groups are represented? Who gets a vote? Usually, members of the governing body determine if new stakeholders can be added as voting members.

⁸ From their web site at http://www.obwb.ca/structure_governance/.

c. Will representatives of all stakeholders be voting members on the governing Board or will some stakeholders have a somewhat different role. Example: The Deschutes Water Alliance includes Irrigation Districts—through the Board of Control—and seven cities who have formed their own group called the Central Oregon Cities Organization (COCO). They then come together as part of the Water Alliance and meet with representatives of other stakeholder groups and the Tribe in the area.

d. Will some stakeholders be “associate” members⁹—participating in discussions, but not be voting members? Example: In some organizations, representatives from a state or federal agency fully participate in discussions, but do not vote on a final proposal.

e. Will there be equal representation by the forming governments, or an unequal representation because of the particular situation (e.g., reasons for unequal may include much more population in one city than another and larger city desires greater representation)? Example: The cities of Eugene and Springfield, along with Lane County, operate a regional wastewater treatment facility. There are seven voting members on the Board and the intergovernmental agreement says that the City of Eugene appoints three of the members, while Springfield and Lane County each have two appointees.

f. Will the IGA outline a specific committee structure? Example: The Portland example above includes a number of technical committees that help govern the organization. Another Example: Some intergovernmental entities include elected officials as a specific governing board and then the chief executive or administrative officers are a separate group who meet regularly to support/implement the goals and objectives set by the governing body.

g. What decision making process will the governing body use? Examples include: 1) the typical majority voting system where each member of the governing body has one vote; 2) a system where a weighted vote is established and members can call for a weighted vote when they desire but otherwise use a majority voting system; 3) a system where a majority vote is usually used, but certain issues need a unanimous vote in order to move forward; and 4) a consensus system where proposals are presented and board members agree without a formal vote to move forward with the proposal and where disagreement results in more discussion until consensus is reached.

The Umatilla Basin Water Commission addresses voting like this:

... decisions of the Board of Directors shall be made, whenever possible, by consensus as reflected by a unanimous affirmative vote among the members present at any meeting with a quorum. If the Board of Directors

⁹ Can also be called Ex-Officio Members.

is unable to reach consensus after good faith efforts, decisions may be made by an affirmative vote of three members.

2. Non-Government Involvement. Will the governing Board include any citizen members (not elected officials) in addition to water stakeholders? How many will there be and who gets to appoint them?

3. Powers. What powers are given to the governing Board of the new organization through the IGA? Will the IGA attempt to spell out ALL relevant details, or will the IGA allow for the new Board members to adopt bylaws to cover the details? How much “control” will the governing bodies of the member jurisdictions have on the new entity? Example: Certain decisions could be reserved unto the governing bodies of the local governments creating the new entity.

4. Administrative Entity and Service Delivery Entity. Will the new organization create its own administration or contract with a member local government for administrative services? Will the new entity own property or be involved in service delivery where they may have liability risks? Who covers insurance issues?

5. Employment of a Director. There are at least two options for this item: 1) the new governmental entity can hire its own director; or 2) the new unit could enter into an intergovernmental agreement with another government agency and that agency would provide administrative support. For example, a city or county department head could also serve as the Director of the new entity.

Possible Members of a Future Water Coalition

Local Governments – General, Special, and Irrigation Districts

- City of Medford
- Medford Water Commission
- Jackson County
- Jackson Soil and Water Conservation District
- Rogue Valley Sewer Services
- Rogue River Valley Irrigation District
- Talent Irrigation District
- Medford Irrigation District

Water Stakeholders

- Coastal Conservation Association
- Rogue River Keepers
- WaterWatch
- National Fish and Wildlife Foundation
- Rogue Flyfishermen
- Jackson County Farm Bureau

Associate Members?

- Federal Bureau of Reclamation
- Oregon Department of Fish and Wildlife
- Oregon Watershed Enhancement Board
- Oregon Department of Environmental Quality
- Oregon Water Resources Commission
- Rogue Valley Council of Governments

What to do with wholesale customers and Ashland?

- Ashland
- Phoenix
- Central Point
- Jacksonville
- Eagle Point
- Talent
- Three Water Districts