

RESOLUTION NO. 2104

**A RESOLUTION OF THE CITY OF WILSONVILLE RECOMMENDING
AN IGA AMENDMENT ON DISCLOSURE OF SENSITIVE INFORMATION**

WHEREAS, the Regional Water Providers Consortium Board is working to facilitate emergency coordination, planning and communication among water providers as directed in the June 2004 Strategic Plan; and

WHEREAS, the Consortium may develop tools to help facilitate the development of regional interconnections that may contain sensitive information about individual water systems, including locations of transmission lines and interconnections; and

WHEREAS, disclosure of sensitive information would make the region's water systems vulnerable to unauthorized disruption or interference; and

WHEREAS, the Oregon Public Records Law (ORS 192) recognizes the importance of protecting against the unlawful disruption to or interference with public services; and

WHEREAS, the Consortium has adopted a Resolution to establish practices and protocols to aid in the prevention of the release of sensitive and protected information; and

WHEREAS, an amendment to the Consortium's IGA requires the signature of all participating members of the Consortium; and

WHEREAS, the Consortium Board has recommended to its individual members that they each adopt a new Section 17 amendment to the Intergovernmental Agreement of the Regional Water Providers Consortium;

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Council of the City of Wilsonville adopts a new Section 17 amendment to the Intergovernmental Agreement of the Regional Water providers Consortium as follows:

Section 17. Disclosure of Sensitive Information

To achieve the work of the Consortium, its members need to share specific information regarding their respective water systems including, but not limited to, transmission and storage information. Some of that information is confidential because its disclosure would make the water systems vulnerable to unauthorized disruption or interference.

When sharing information, each Consortium member may identify that which it considers confidential. The consortium, its members, and their officers, employees and agents shall protect as confidential any shared structural and operational system information identified by a member as confidential and shall not release such information unless ordered to do so by a court of law or upon written permission of the providing party.

In the event that confidential information provided by one member is the subject of a Public Records Act request to the Consortium or a member, the Consortium or member holding the information, may tender to the member providing the information, the defense of any action brought to force disclosure of that information.

2. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 21st day of April, 2008, and filed with the Wilsonville City Recorder this date.



CHARLOTTE LEHAN, MAYOR

ATTEST:



Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Kirk	Yes
Councilor Knapp	Yes
Councilor Ripple	Yes
Councilor Núñez	Excused

City of

WILSONVILLE
in OREGON



CITY COUNCIL MEETING STAFF REPORT OR REQUEST FOR ACTION

Resolution No. 2104

A Resolution of the City of Wilsonville Recommending an IGA Amendment on Disclosure of Sensitive Information

Meeting Date: April 21, 2008
Report Date: April 17, 2008
Source of Item: Public Works

Contact: Delora Kerber
Contact Telephone Number: 503-570-1542
Contact E-Mail: Kerber@ci.wilsonville.or.us

STAFF'S RECOMMENDATION

Adopt Resolution No. 2104 amending the IGA with the Regional Water Providers Consortium.

SUMMARY

Resolution No. 2104 adopts a new Section 17 of the IGA protecting and preventing the disclosure of confidential information about Consortium members' water supply and operational systems.

The Regional Water Providers Consortium Board adopted two resolutions in December of 2007. The first addressed the Boards' policy on confidentiality of sensitive information that may be collected by the Consortium in the course of business recognizing the need to protect information about members' water transmission lines and systems (Exhibit A).

The second was a draft resolution for members of the Consortium to use containing the specific language to be adopted in the amendment to the IGA. This language has been used in the writing of Resolution No. 2104.

BACKGROUND

In April of 1993, the City of Wilsonville entered into the first intergovernmental agreement with the Regional Water Providers Consortium. Since then, there have been five amendments to the IGA approving the partnership, pledging continued cooperation, endorsing the Regional Supply Plan, and endorsing updates to the Plan.

ATTACHMENTS

- A. Regional Water Providers Consortium Board Resolution Confidentiality of Sensitive Information
- B. Regional Water Providers Consortium Board Resolution Recommending an IGA Amendment on Disclosure of Sensitive Information
- C. Memos from Lorna Stickel, Consortium Program Manager dated December 10, 2007 and November 13, 2007

**REGIONAL WATER PROVIDERS CONSORTIUM BOARD
RESOLUTION
CONFIDENTIALITY OF SENSITIVE INFORMATION**

WHEREAS, the Regional Water Providers Consortium has adopted a Strategic Plan in June 2004 with a strategic goal to "Identify and test interconnections and their capabilities to facilitate and support reliable back-up supplies of water for all providers in the event of an emergency, building on the 1999 Regional Transmission and Storage Strategy, and

WHEREAS, the Consortium has met to discuss interconnections and transmission of water in the region and outlined steps to achieve goals, and

WHEREAS, the Consortium is working to develop tools to help facilitate the development of regional interconnections that may contain sensitive information about individual water systems, including locations of transmission lines and interconnections, and

WHEREAS, the Consortium is committed to protecting information that may contain sensitive information about the regional water system or individual water system, and

WHEREAS, ORS 192.660(2) cites the ability to conduct executive sessions to discuss information about review or approval of programs related to the security of the generation, storage, or conveyance of water, and

WHEREAS, the Oregon Public Records Law ORS 192.501 & 502 recognizes the importance of protecting against the unlawful disruption to or interference with public services; and

WHEREAS, the City of Portland provides staffing support to the Consortium under an intergovernmental agreement,

NOW THEREFORE, BE IT RESOLVED THAT:

The Consortium Board and its members will make a good faith effort to establish practices and protocols that would aid in the prevention of the release of sensitive and/or protected information to the public while still meeting the public records laws as required by the Oregon Public Records Law.

DATE: _____

SIGNED: _____

Chair
Regional Water Providers
Consortium Board

**REGIONAL WATER PROVIDERS CONSORTIUM BOARD
RESOLUTION
RECOMMENDING AN IGA AMENDMENT ON
DISCLOSURE OF SENSITIVE INFORMATION**

WHEREAS, the Consortium is working to facilitate emergency coordination, planning and communication among water providers as directed in the June 2004 Strategic Plan, and

WHEREAS, the Consortium may develop tools to help facilitate the development of regional interconnections that may contain sensitive information about individual water systems, including locations of transmission lines and interconnections, and

WHEREAS, disclosure of sensitive information would make the region's water systems vulnerable to unauthorized disruption or interference, and

WHEREAS, the Oregon Public Records Law (ORS 192) recognizes the importance of protecting against the unlawful disruption to or interference with public services, and

WHEREAS, the Consortium has adopted a Resolution to establish practices and protocols to aid in the prevention of the release of sensitive and protected information, and

WHEREAS, an amendment to the Consortium's IGA requires the signature of all participating members of the Consortium,

NOW THEREFORE, BE IT RESOLVED THAT:

City Council of the City of Wilsonville
The Consortium Board recommends to its individual members that they each adopt a new Section 17 amendment to the Intergovernmental Agreement of the Regional Water Providers Consortium as follows:

Section 17. Disclosure of Sensitive Information

To achieve the work of the Consortium, its members need to share specific information regarding their respective water systems, including but not limited to, transmission and storage information. Some of that information is confidential because its disclosure would make the water systems vulnerable to unauthorized disruption or interference.

When sharing information, each Consortium member may identify that which it considers confidential. The Consortium, its members, and their officers, employees and agents shall protect as confidential any shared structural and operational system information identified by a member as confidential and shall not release such information

unless ordered to do so by a court of law or upon written permission of the providing party.

In the event that confidential information provided by one member is the subject of a Public Records Act request to the Consortium or a member, the Consortium or member holding the information, may tender to the member providing the information, the defense of any action brought to force disclosure of that information.

INDIVIDUAL ENTITIES TO ADD OWN SIGNATURE BLOCK



Exhibit C

Memorandum

December 10, 2007

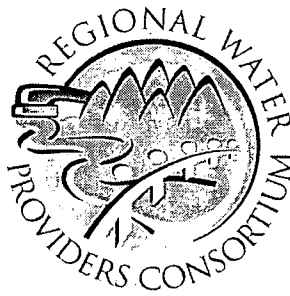
To: Consortium Board and Technical Committee

From: Lorna Stickel, Consortium Program Manager

Subject: Resolutions/IGA Amendment

The Regional Water Providers Consortium Board adopted two resolutions on December 5, 2007 addressing the confidentiality of sensitive information. The first attached resolution is the policy on confidentiality by the Board and it establishes the policy. The second resolution is the recommendation by the Board that each Consortium member adopt the specific amendment language that adds a new Section 17 to the Consortium Intergovernmental Agreement. The Consortium IGA has an amendment section that requires that each individual member must adopt the exact same language in order for an amendment to be effective. As was discussed at the Board meeting, the intent of this new language is to formally recognize the need to protect sensitive information that the Consortium may collect about individual water systems and to protect that from disclosure according to State law. This amendment does not direct individual members as to how they may choose to disclose information about their own systems, nor does it deal with liability issues which would be case specific in any circumstances. Any individual member that wishes to clarify their own intent or concerns about this amendment as it may affect their own activities can be put in any adopting instrument such as an ordinance or resolution, but the actual Consortium IGA amendment language must be identical for each adoption. Please proceed at your own pace and utilizing your own adoption processes and signature blocks to take action on the IGA amendment.

Please feel free to call Rebecca Geisen at (503) 823-7493 or Lorna Stickel at (503) 823-7502 if you have questions about this IGA amendment.



Memorandum

Date: November 13, 2007

To: Board

From: CTC, Executive Committee, and Lorna Stickel, Project Manager

Subject: Consortium IGA Amendment on confidentiality

In order to have the Consortium members feel confident that information of a sensitive nature regarding transmission and storage can be shared in a regional context it may be necessary for the Consortium Board to consider recommending an amendment to the Consortium Intergovernmental Agreement (IGA). Any amendments to the Consortium IGA have to be recommended by the Board to the individual members as directed by Section 16 which states, "Amendments to this agreement shall be recommended by the Board and shall be effective when authorized by the governing board, commission or council, as the case may be, by every Participant." This is a timely and complicated process, but it ensures that any amendment is agreed upon by all of the members. The CTC discussed the amendment and recommended to the EC that the amendment should be given to the Board at their December meeting for action at that time. Based on the fact that the Board was aware of the need to address this issue at their last meeting though a proposed resolution on confidentiality (which they could not adopt due to lack of a quorum) it was felt that this amendment is brief, to the point, and addresses the same issue in a different venue. The Board should be asked to adopt the resolution as well as recommend the IGA amendment to the constituent members.

IGA Amendment Recommendation

The IGA amendment is drafted to be brief and to the point so that the Consortium can identify what information is sensitive under the Oregon statutory framework based on the work plan activities of any given year. Examples of sensitive information include but are not limited to as built drawings, maps or textual

information that locates specific facilities such as pipelines, interconnections, pump stations, tanks, intakes, treatment facilities, or other infrastructure data such as hydraulic grade lines, specific operational data, or other information of a similar nature. This information may also include hydraulic models or detailed emergency response plans. It would be difficult to list all of the sensitive information without missing something.

The Board will be asked to adopt two resolutions on confidentiality at the December meeting. The first one was presented in September, but not adopted due to lack of a quorum at that meeting, which establishes an adopted Board policy on confidentiality. The second resolution will contain an IGA amendment language proposal establishing a new Section 17 on confidentiality that the Board will be recommending for individual member adoption. (The second resolution will be available only at the Board meeting in December to allow time for some additional legal review of this language may take place). The proposed language at this point is as follows:

Section 17. Disclosure of Sensitive Information

To achieve the work of the Consortium its members need to share specific information regarding their respective water systems including but not limited to transmission and storage information. Some of that information is confidential because its disclosure would make the water systems vulnerable to unauthorized disruption or interference.

When sharing information, each Consortium member may identify that which it considers confidential. The Consortium, its members, and their officers, employees and agents shall protect as confidential any shared structural and operational system information identified by a member as confidential and shall not release such information unless ordered to do so by a court of law or upon written permission of the providing party.

In the event that confidential information provided by one member is the subject of a Public Records Act request to the Consortium or a member, the Consortium or member holding the information, may tender to the member providing the information, the defense of any action brought to force disclosure of that information.