

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: 8/17/2015 **Approx Start Time:** 9:00 a.m. **Approx Length:** 60 Min

Presentation Title: Tri-City Service District Advisory Committee Bylaws

Department: Water Environment Services

Presenters: Greg Geist, Director of WES
Amanda Keller, Assistant County Counsel

Other Invitees: WES Senior Management Team; Tri-City Advisory Committee Members

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Direction on how to proceed with the revised bylaws of the Tri-City Service District ("District") Advisory Committee ("Committee").

EXECUTIVE SUMMARY:

On July 21st, the Board of County Commissioners, as the governing body of the Tri-City Service District ("Board"), directed staff to revise and update the bylaws of the Committee.

More specifically, the Board instructed staff to:

- Remove the Director of WES as a voting member of the Committee;
- Change the designated city representatives from city managers to elected officials;
- Add six (6) citizen ratepayer members to the Committee; and
- Generally update the structure and language to be more consistent with both the RiverHealth Advisory Board bylaws and those of other County advisory board committees.

Staff has prepared a draft version of the bylaws for the Board's consideration (see attached).

FINANCIAL IMPLICATIONS (current year and ongoing):

None.

LEGAL/POLICY REQUIREMENTS:

The current bylaws for the Committee were adopted by an Order of the Board, and it would take an Order of the Board to change them. It can be done in a single business meeting.

PUBLIC/GOVERNMENTAL PARTICIPATION:

No members of the public are participants in the Committee at this point. The motion to amend the bylaws was supported by all voting members of the Committee. On July 21st, the Board provided direction to staff on the scope of revisions to be made to the bylaws.

OPTIONS:

Staff drafted a version of the bylaws for the Board's consideration (see attached), which may be further modified at the discretion of the Board. If the Board finds the bylaws to be acceptable as is, then a draft may be circulated to the member cities for review and comment prior to formal adoption.

RECOMMENDATION:

No specific recommendation. Staff is ready to move forward with the current draft or make further changes at the discretion of the Board.

ATTACHMENTS:

Revised Tri-City Service District Advisory Committee Bylaws

SUBMITTED BY:

Division Director/Head Approval _____
Department Director/Head Approval _____ Director WES
County Administrator Approval _____ Administrator TCSD

For information on this issue or copies of attachments, please contact Amanda Keller @ 503-742-4589

TRI-CITY SERVICE DISTRICT

ADVISORY COMMITTEE BYLAWS

Pursuant to Order No. 2015____, approved _____, 2015 by the Board of County Commissioners of Clackamas County, Oregon (“Board”), acting as the governing body of the Tri-City Service District (“District”), an advisory committee is established to provide recommendations regarding policy issues as more specifically described below (the “Committee”).

INTRODUCTION

The Board desires that the Committee perform several designated advisory functions to assist the Board, the District administrator, and the director of the District (“Director”) in the establishment and implementation of the District’s strategic direction and effective utilization of assets, consistent with the duties and responsibilities enumerated below. The Board, as the governing body of the District, will consider the gathered information and recommendations produced by the Committee in making determinations regarding the policies of the District. The representatives from the Committee may be asked to testify regarding such recommendations at Board business hearings. The Committee can be of greatest assistance to the Board by clarifying issues, using a consensus based approach in engaging stakeholders, providing feedback and making recommendations to the Director and the Board.

The Board finds that rules should be adopted regarding conduct of the Committee’s business and therefore adopts the following:

- I. DUTIES AND RESPONSIBILITIES OF THE TRI-CITY ADVISORY COMMITTEE
 - a. The Committee shall:
 - i. Hold public meetings and actively solicit input from all stakeholders within the District, including citizens and businesses of the District, municipalities, and other organizations regarding matters of strategic direction;
 - ii. Review, discuss and make recommendations to the Board and Director on staff-developed and proposed long-range capital improvement plans regarding the provision of wastewater collection and treatment;
 - iii. Review and make recommendations upon the District’s annual budget; and
 - iv. Perform such other projects assigned by the Board, and/or suggested by the Director consistent with the effective operation of the District.
 - b. The Committee may consider other matters consistent with the above-enumerated duties upon the request of four members made in writing to the Director; however, it is the intent of the Board that the formation of policy and management decisions regarding operations of the District is reserved to the Board acting through the Director.

- c. The Committee shall make recommendations to the Board and the Director as they pertain to the Committee's duties and responsibilities.

II. DUTIES AND RESPONSIBILITIES OF THE DIRECTOR

- a. Day to Day Activities. The Director shall exercise control and supervision over all personnel, day-to-day activities, and development and implementation of operations and capital programs. Further, the Director shall be responsible for enforcing policies, rules, procedures, and resolutions that are duly adopted by the Board.
- b. Budget. The Director shall ensure that District budget information is provided to the Committee as necessary to convey the history of sewer rates, explanation of revenue sources, provide the necessary background to understand system development charges, and understand the priorities established on the capital improvements contemplated. The Director shall present the anticipated annual budget recommendations and any recommended rate increases to the Committee prior to the presentation of those recommendations to the District's Budget Committee. If the Director's recommendations are different than those of the Committee, the Director shall include the Committee's recommendations in the budget packet that goes to the Budget Committee and the Board for consideration.
- c. Financial Reports. The Director shall review the financial status of the District with the Committee quarterly as it relates to the adopted annual budget for the District. The Director shall provide the Committee with a copy of the Comprehensive Annual Financial Report and management letter after the year-end audits are complete.

III. MEETINGS

- a. Regular meetings of the Committee shall be held at a minimum on a quarterly basis at a time and day agreed to between the Committee and the Director.
- b. A special meeting may be requested through the Director by the chair or upon the request of three members in accordance with Oregon Public Meeting Law notice requirements. The Director and the Committee members requesting a special meeting shall be in agreement regarding the necessity for a special meeting before written public notice of the meeting is released. Any special meeting must have the concurrence of the majority of the Committee representatives prior to public notice. Concurrence may be obtained through an individual poll of the representatives.
- c. A quorum shall be defined as a minimum of five (5) representatives. A quorum of the Committee may not meet and discuss Committee business without proper public notice under Oregon Public Meeting Law.

IV. ORGANIZATION AND PROCEDURE

- a. The Committee shall be comprised of one elected representative from each member city and six citizen ratepayer members (two from each city), for a total of nine members.

- i. Each citizen ratepayer may be a resident of the city; a property owner within the city; or a designated representative of a business, corporation or trust within the city. The District recruitment of citizen members should seek to encompass a broad range of individuals with relevant professional experiences in both the public and private sector.
 - ii. The term for each citizen member shall be **3** years and shall be staggered by 2 years so that no more than one-half of the citizen members' terms will expire in any year. For this purpose, membership terms may initially be staggered for less than three (3) years.
 - iii. Members may seek reappointment for a maximum of two consecutive terms. Current members seeking a new term on the Committee shall submit an application at least ninety (90) days prior to the expiration of their current term.
 - b. A Chairperson shall be chosen by the Committee at the start of each calendar year. The term shall be one (1) calendar year. The Chair will preside over all meetings of the Committee and be the primary point of contact between the Committee and the Director, District staff and the Board.
 - c. Meetings shall be conducted according to Robert's Rules of Order. Testimony from members of the public and/or representatives of stakeholder groups shall be in accordance with public meeting laws. Public testimony shall be managed by the Chair.
 - d. The Director or Director's designee shall be the secretary and shall keep all records and files. The Director shall determine the format of those records. At a minimum, the written record will summarize the meeting's actions and be included in the following meeting's agenda packet.
 - e. Any Committee recommendation to the Board that differs from the staff recommendation requires a majority vote. Specifically, a quorum present at any meeting shall be sufficient to transact business for the purposes of taking action and making a recommendation to the Board.
 - i. Following a vote by the Committee, the Committee shall prepare a draft findings and recommendation document; the Chair will manage any edits to the draft. The Chair shall forward for review and solicit feedback from all the members prior to finalizing the recommendation. The recommendation shall be forwarded to the Board of County Commissioners through the Director only after vetting of the draft written recommendation by the majority membership of the Committee who voted to support the action. The Committee shall adhere to the Board's administrative protocol for scheduling items for consideration.
- V. **AMENDMENTS.** These bylaws may be amended. Proposed amendments shall be submitted to the County Counsel for approval. Upon approval of the County Counsel, the proposed amendments shall be approved by the members of the Committee. However, the

amendments shall not be in effect until approved by the Board of County Commissioners and that approval has been communicated back to the Chairperson. The amended bylaws shall supersede all previous bylaws and become the governing rules for the Committee.