

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Policy Session Worksheet

Presentation Date: 2/16/16 **Approximate Start Time:** 10:30 am **Approximate Length:** 1:00

Presentation Title: Tri-City Service District and Clackamas County Service District
No. 1 Advisory Committee ("RiverHealth") Make-up

Department: Water Environment Services

Presenters: Greg Geist & Amanda Keller

Other Invitees: Gary Schmidt, Amy Kyle, Matt Glazewski, Ed Nieto, Gari Johnson

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

1. Consider and discuss the requests from stakeholders and advisory committee members' feedback regarding the Tri-City Advisory Committee ("TCAC") composition.
2. Consider and discuss the request from the RiverHealth Advisory Board ("RHAB") regarding the addition of a representative from the City of Johnson City to the RHAB or the Regional Wastewater Treatment Capacity Advisory Committee ("Regional Committee").

EXECUTIVE SUMMARY:

Over the past eight months, numerous discussions have been held and recommendations made to the Board of County Commissioners ("BCC") regarding the make-up of the advisory committees of the Tri-City Service District and Clackamas County Service District No. 1 ("CCSD1").

At the request of the TCAC, on July 21, 2015, the BCC discussed revising the bylaws of the TCAC and made a formal recommendation on its make-up, which included one elected representative each from West Linn, Gladstone, and Oregon City, as well as two citizen ratepayer representatives from each city. The recommendation was distributed to representatives from both the Tri-City Service District and Clackamas County Service District No. 1 for their comments and input. The BCC received mixed feedback on the composition of the TCAC and a change was not adopted.

On November 12, 2015, the RHAB met and requested that the City of Johnson City be invited to join the Regional Committee or RHAB. The City of Johnson City does not meet the requirements for new membership in the Regional Committee as set forth in the current bylaws, however the BCC can change the bylaws to allow for an addition to either the Regional Committee or the RHAB.

On December 10, 2015, the Regional Committee, which is comprised of elected representatives from cities served by both service districts as well as a citizen representative from unincorporated Clackamas County, requested "that the county follow the earlier recommendations of the Tri-City Advisory Committee, and that is remove the city managers and replace them with an elected official from each board (city) and remove Mr. Geist (WES Director) as a voting member."

Since December 10, 2015, the Cities of West Linn and Gladstone have had discussions on this topic, and through various means have requested that the matter be addressed by the BCC.

Independent of the various committee membership recommendations, the Tri-City Advisory Committee bylaws were adopted in 1993 and are past-due to be updated in accordance with the most recent BCC-approved format, as administered by County Public & Governmental Affairs (PGA).

FINANCIAL IMPLICATIONS (current year and ongoing):

To be determined

STRATEGIC PLAN ALIGNMENT:

This aligns with WES' strategic result that states: "100% of Advisory and Budget Committee Members report they receive the information they need to make recommendations and decisions on substantive issues."

LEGAL/POLICY REQUIREMENTS:

None

PUBLIC/GOVERNMENTAL PARTICIPATION:

None

OPTIONS:

1. If the BCC desires to keep the current, separate advisory committee structure:

Tri-City Advisory Committee:

- A) Leave the Tri-City Advisory Committee make-up and bylaws as they are.
- B) Change the Tri-City Advisory Committee make-up to include 1 (one) elected representative from each city, and update the bylaws to the current PGA standard.
- C) Leave the Tri-City Advisory Committee make-up as-is and update the bylaws to the current PGA standard.
- D) Augment option "B" with an additional separate, independent ratepayer advisory committee.

RiverHealth Advisory Board and Regional Wastewater Treatment Capacity Advisory Committee:

- X) Consider changes to the Riverhealth Advisory Board make-up based on prior discussions, the Riverhealth request, and feedback from city stakeholders.
- Y) Leave the Riverhealth Advisory Board and Regional Committee membership as they are currently written.
- Z) Change the bylaws of the Regional Committee to add Johnson City membership.

2. If the BCC desires to move toward a unified committee structure:

- i. Form an Elected Representatives Committee, the purpose of which would be to provide a forum for elected leaders from both districts to discuss issues such as governance, co-investment between districts, etc. directly with the BCC and with staff support.
- ii. Direct staff to establish a Performance Partners Workgroup, which would not be a formal advisory committee, but a regular meeting of technical staff (e.g. Public Works Directors, City Engineers and WES staff) from both districts to coordinate and collaborate on technical issues related to the efficient operation of the treatment works, collection system and related activities.
- iii. Form a Districts' Advisory Committee comprised of a representational cross-section of businesses, ratepayers and stakeholders representing TCSD and CCSD1.

(See attachment for a complete outline)

RECOMMENDATION

District staff recognize and value the vital lines of communication between elected officials, technical staff and ratepayers within both districts and are committed to working with advisory committees in a spirit of collaboration and mutual respect. District staff also acknowledge the good work and positive relationships established with committee members under the existing advisory committee structures. The following recommendation is intended to represent a long-term goal for an advisory committee structure that would be most ideal from an operational and administrative standpoint:

District staff respectfully recommends Option 2 as a long term goal, move toward a unified committee structure, and Options 1B and 1X as an interim step, change the Tri-City Advisory Committee make-up to include 1 (one) elected representative from each city, and update the bylaws to the current PGA standard, and also consider changes to the Riverhealth Advisory Board make-up based on prior discussions, the Riverhealth request, and feedback from city stakeholders.

The interim advisory committee configuration will provide continuity on input regarding capacity and growth issues currently facing the districts and avoid disruptions and delays. Staff welcome dialogue and discussion with the BCC on this issue and are prepared to bring more specific recommendations regarding the various options contained in this staff report.

ATTACHMENTS:

- 1. Tri-City Advisory Committee Summary of Events
- 2. Option 2 (Unified Committee Structure) Outline

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval GG

County Administrator Approval _____

February 16, 2016

Below is a staff-written summary of events pertaining to requests, actions, and events concerning the current Tri-City Service District (TCSD) Advisory Committee (TCAC) and RiverHealth Advisory Board (RHAB) by-law review:

6/10/15: A Regular Meeting of the TCAC. West Linn City Manager Chris Jordan made a motion, which passed 4-0-0, that requested that: "...the Board of County Commissioners review the bylaws, and consider removing the WES Director as a voting member of the committee."

6/22/15: Email Correspondence. West Linn City Manager Chris Jordan confirmed the exact wording of the motion listed above, including the comma, as he explained, "I think that will help emphasize the importance of reviewing the bylaws, not just the removal of the WES Director from the committee." Oregon City City Manager David Frasher had claimed that the wording was incorrect.

7/21/15: BCC Policy Session. The BCC recommended (5-0) to update the Tri-City bylaws and change the membership to a total of 9: one elected member from each of the three cities, and two citizen ratepayers from each of the three cities, and asked the TCAC for feedback.

7/28/15: Written Correspondence. Oregon City Mayor Dan Holladay sent a letter of disapproval to the BCC regarding the TCAC make-up proposal.

8/12/15: A Regular Meeting of the RHAB. RHAB passes a motion proposing the consolidation of the TCSD and CCSD1 wastewater advisory committees into a single committee, the existing Regional Wastewater Treatment Capacity Advisory Committee (RWTCAC), which would serve both districts in an advisory committee capacity.

8/17/15: BCC Policy Session. The BCC decides to hold-off on updating the bylaws in order to allow the TCAC & RWTCAC to provide feedback on the RHAB proposal.

8/18/15: Email Correspondence. County Administrator Don Krupp sent an email to both TCAC and RHAB updating them on what happened the day prior, and wrote "...Consequently, on behalf of the Board I am asking our city representatives to let me know by mid-September what each of your respective jurisdictions think of the idea. In the meantime, I have also attached the current version of the draft bylaws for TCSD and invite comments and feedback on these as well while we are waiting to hear back on RiverHealth's proposal."

9/15/15: BCC Policy Session. The BCC postponed a decision on changes until all stakeholder parties had an opportunity to consider the RHAB proposal.

9/16/15: A Regular Meeting of the TCAC. A motion was made to not accept the modified TCAC bylaws 3-0-1, and another motion was made disagreeing with the positions stated in the RHAB proposal, 3-0-1.

10/8/15: A Regular Meeting of the RWTCAC. Happy Valley Councilor Markley Drake and RHAB Chair Eric Hofeld broached the topic of the RiverHealth proposal, which was ultimately not adopted and the motion was withdrawn.

11/12/15: A Regular Meeting of the RHAB. The Committee made a request to the BCC that Johnson City be invited to join the RWTCAC or RHAB. *Note: RWTCAC bylaws do not allow for membership of communities under 5000 customers.*

11/18/15: A Regular Meeting of the TCAC. The TCAC moved to obtain outside counsel to review the relationship between TCSD and the BCC and report back to the TCAC for further evaluation and action. The motion was called and passed 3-0-1.

12/1/15: BCC Policy Session. WES Director Greg Geist brought forward the 11/18/15 TCAC recommendations to the BCC during a PGA-led policy session on communications.

12/10/15: A Regular Meeting of the RWTCAC. The Committee unanimously voted to table the Oregon Consensus effort, largely due to confusion of purpose. Also, there was a unanimous vote that city managers and the WES Director be removed from the TCAC and replaced with elected city representatives.

01/11/16: West Linn City Council Meeting. The City Council adopted a resolution that recommended to the BCC to merge the RHAB, TCAC, and RWTCAC, and proposed membership make-up and roles for the new single wastewater advisory committee.

01/26/16: Gladstone Council Meeting. Councilor Steve Johnson briefed the council and stated that he has asked the BCC to respect the recommendations from the TCAC and RWTCAC regarding TCAC composition.

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Option 2:

Staff Summary: WES Staff considered the current advisory committee make-up and also those of Clean Water Services (the Washington County, Oregon, ORS 451 that provides the same services) and other regional service providers. Below are initial staff recommendations for committee and workgroup composition that would replace the existing advisory committees for TCSD and CCSD1:

A) Elected Representatives Advisory Committee [ERC]

Purpose: A forum where elected representatives from member cities from both Districts have an opportunity to communicate their concerns and feedback directly to the Districts' governing body (The Board of County Commissioners)

B) Performance Partners Workgroup [PPW]

Purpose: A forum (not an advisory committee) where professional and technical staff from WES and all served member cities' public works departments can meet to discuss collaborative efforts on technical issues such as wet weather flows, inflow & infiltration, growth, billing practices, working agreements, etc.

C) Districts' Advisory Committee [DAC]

Purpose: A single advisory committee for presentation, discussion, and recommendations on surface water and wastewater issues in both TCSD and CCSD1.

Membership: (numbers and composition to be determined)

- Development and Business Community
- Industrial discharger(s)
- Surface water interest groups
- City staff representatives
- District ratepayers

➤ An equitable geographic representation from both districts.