

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: 7/21/2015 **Approx Start Time:** 10:30 a.m. **Approx Length:** 60 Min

Presentation Title: Tri-City Service District Advisory Committee Composition and Bylaws

Department: Water Environment Services

Presenters: Greg Geist, Chris Storey

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

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Direction on possible changes to the composition and bylaws of the Tri-City Service District ("District") Advisory Committee ("Committee").

EXECUTIVE SUMMARY:

On June 10th, the Committee adopted a motion requesting the Board of County Commissioners as the governing body of the Tri-City Service District ("Board") consider "review[ing] the bylaws, and consider removing the director [of WES] as a voting member of the committee." This motion, made by the representative of the City of Oregon City, passed unanimously.

The current Committee's bylaws were adopted in September 1993 (attached for reference) by order of the Board. Since 1990, the Committee's membership has consisted of four voting members: the City Managers of Gladstone, Oregon City, and West Linn, and the Director of WES. For the past 25 years, the Committee has served as the primary policy and rate advisory body for the District. There has been some discussion that the bylaws, now 22 years old, are not up-to-date and do not reflect current practice of the Committee, and also include materiality thresholds that are substantially lower than one would expect (e.g. reports on agreements at or above \$30,000). Bylaws for similar committees supported by WES, such as Riverhealth, have more extensive and detailed bylaws (Riverhealth bylaws attached for reference).

They have had discussions about the awkwardness and/or appropriateness of the WES Director being asked to vote in an advisory capacity on a budget for which his immediate supervisor, the District Administrator, is the Budget Officer. Further, the District has recently been faced with significant policy and capital project decisions, and the current membership from the cities have, at various points, expressed concern that the Committee is composed of professional staff being asked to make policy-level decisions.

FINANCIAL IMPLICATIONS (current year and ongoing):

None. WES would continue to provide staff support to the Committee in whatever configuration designated by the Board.

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 was supported by all voting members of the Committee.

OPTIONS:

The motion requests two actions of the Board. Options for each are broken out separately below.

Bylaw Review: The Board has discretion in establishing the manner in which committees which are advisory to it operate. The Board may:

- 1. Keep the bylaws the same;
- 2. Make only limited changes;
- 3. Implement a completely new set of bylaws; or
- 4. Conform the bylaws to the standards for ABCs being proposed through PGA.

Committee Composition: The Board has discretion in establishing the composition of committees which are advisory to it. The Board may:

- 1. Leave the committee composition as is;
- 2. Remove the WES Director as a voting member but otherwise leave as is;
- 3. Remove all professional staff as voting members and repopulate the committee with elected representatives, citizen ratepayers or a combination of both.

RECOMMENDATION:

With respect to the Bylaw Review, staff recommends that the Board agree with the motion made by the Committee and direct staff to work with the Committee to create updated bylaws that reflect current best practices, with a goal of making them closer to the Riverhealth bylaws for ease of administration by WES.

With respect to the Committee Composition, staff recommends that the Board agree with the motion made by the Committee and reform the membership. The WES Director agrees that it is not best practice to be a voting member of the Committee and agrees with the city managers that they are not the best representatives for policy decisions. Therefore staff recommends option #3, which could allow ratepayers to directly voice their views on the issues facing the District and the rates they will have to pay.

ATTACHMENTS:

Tri-City Service District Advisory Committee Bylaws
Riverhealth Advisory Committee Bylaws

SUBMITTED BY:

Division Director/Head Approval _____
 Department Director/Head Approval _____ Director NCPRD
 County Administrator Approval _____ Administrator NCPRD

For information on this issue or copies of attachments, please contact Chris Storey @ 503-742-4623

B.F

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of the Approval of Revised
Tri-City Service District Advisory
Committee Rules, Tri-City Service
District

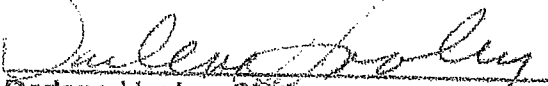
ORDER NO. 93-996

This matter coming before the Board of
County Commissioners, acting as the governing body of the Tri-City Service District, and it
appearing to the Board that the Tri-City Service District Advisory Committee, at its regularly
scheduled meeting on August 10, 1993, adopted revised Advisory Committee Rules, a copy of
which is attached hereto as Exhibit "A" and made a part hereof, and the Board having reviewed
said rules and being fully advised,

IT IS HEREBY ORDERED that the revised
Tri-City Service District Advisory Committee Rules, attached hereto as Exhibit "A", are approved.

DATED this 16th day of September, 1993

BOARD OF COUNTY COMMISSIONERS
acting as the Governing Body of
Tri-City Service District


Darlene Hooley, Chair


Ed Lindquist, Commissioner

N/A

Judie Hammerstad, Commissioner

93-996

TRI-CITY SERVICE DISTRICT
ADVISORY COMMITTEE RULES

Pursuant to Order No. 90-990, approved September 20, 1990 by the Board of County Commissioners of Clackamas County, Oregon ("Board"), acting as the governing body of the Tri-City Service District ("TCSD"), an Advisory Committee was appointed consisting of the Director of the Clackamas County Department of Utilities and the City Managers of the cities of West Linn, Gladstone, and Oregon City.

The Advisory Committee finds that rules should be adopted regarding its conduct of business and therefore adopts the following:

I. DUTIES AND RESPONSIBILITIES OF THE ADVISORY COMMITTEE

- A. The Advisory Committee shall:
1. review, discuss, and make recommendations on proposed long-range capital improvement plans;
 2. review and make recommendations upon the District's annual budget; and
 3. perform such other projects assigned by the Board, suggested by the Director or initiated by the Advisory Committee, consistent with the effective operation of the District.
- B. The Advisory Committee may consider matters consistent with the above-enumerated duties; however, it is the intent of the Board that the formation of policy for directing the day-to-day operations of the District is reserved to the Board acting through the Director of the Department of Utilities.
- C. The Advisory Committee shall be responsible directly to the Board and shall make recommendations to the Board as they pertain to the committee's duties and responsibilities.

II. DUTIES AND RESPONSIBILITIES OF THE UTILITIES DIRECTOR

- A. Day to Day Activities. The Utilities Director shall exercise control and supervision over all personnel and routine day to day activities of TCSD.
- B. Budget. The Utilities Director shall, for the TCSD, ensure timely preparation of its annual budget for review by the Advisory Committee. Budget information to be provided to the Advisory Committee shall include a ten year history of sewer and tax rates; a brief explanation of revenue sources primarily derived from property tax, sewer rates, and system development charges; a list of capital improvements contemplated during at least the next five years; a list of proposed personnel positions including

compensation, payroll and fringe benefit expenses, and a narrative explanation of duties and responsibilities; etc. The Utilities Director shall make a recommendation to the Advisory Committee concerning each year's budget.

The Utilities Director shall also make a recommendation to the Budget Committee for the TCSD concerning each year's budget. If those recommendations are different than those of the Advisory Committee, the recommendations of the Advisory Committee shall be sent to the Budget Committee and the Board for consideration.

- C. Expenditure Authorization. The Utilities Director shall request authorization from the Board of County Commissioners for all expenditures for capital outlay, materials and services, including consulting contracts in accordance with the TCSD's Local Contract Review Board Rules.

The Utilities Director shall provide the Advisory Committee with prior notice when the Director is contemplating consulting services for the TCSD and when the estimated cost to the TCSD exceeds \$30,000. This notice shall include information assessing the need for consulting services and describing the proposed scope of services to be performed by the consultant.

- D. Financial Reports. At least once every four months, the Director shall submit to the Advisory Committee a report showing revenue and expenditure for each budget line item. By September 1 of each year, the Utilities Director shall provide the Advisory Committee with a fiscal year end report indicating for each fund total revenue, total expenditure, and amount of ending cash balance.

- E. Rates and Charges. The Utilities Director shall make recommendations to the Board of County Commissioners concerning all potential increases in sewer rates, system development charges, and tax rates. Through the budget process the Advisory Committee may make recommendations on these issues which shall be sent to the Budget Committee and the Board for consideration.

- F. Policy Analysis. The Utilities Director shall be responsible to the Advisory Committee for conducting analysis, preparing staff reports and meeting agendas, and providing advice concerning policy matters. The Utilities Director shall be responsible for determining the significance of policy matters and whether or not these matters should be referred as recommendations to the Board of County Commissioners. The Utilities Director shall be responsible for enforcing policies, rules, procedures, and resolutions that are duly adopted by the Board of County Commissioners.

III. MEETINGS

Regular meetings of the Advisory Committee shall be held not less than quarterly each year. A special meeting may be called by any member upon 24 hours written notice to all other members unless such notice is waived in writing.

IV. ORGANIZATION AND PROCEDURE

- A. The meetings shall be conducted in a collegial fashion. Upon motion and vote a member will be designated to prepare necessary documents setting forth the Advisory's Committee's recommendations for review and approval by a majority of the members.
- B. The Director of the Clackamas County Department of Utilities or his designee shall be the secretary and shall keep all records and files.
- C. Any recommendation to the Board or other decision of the committee requires the majority of the full membership. Specifically, a majority of a quorum present at any meeting shall not be sufficient to transact business. The representative of the District shall have one vote and each City shall be entitled to one vote. There shall be no fractional votes.
- D. If any of the foregoing cases, or on any other matter brought to the Advisory Committee, the Advisory Committee may cause District staff to prepare such analyses as it deems necessary to make a recommendation to the Board and may also require the proponent of any position to submit reasonable evidence to support the proposal to enable the Advisory Committee to make findings and recommendations.
- E. Following a vote by the Advisory Committee on any matter brought before it, a member shall be designated to prepare findings and the Advisory Committee's recommendation to the Board, shall be approved by the members. Upon approval of the Advisory Committee, if necessary, the recommendation shall be forwarded to the Board for final decision.

ADOPTED this 10th day of August, 1993, by the Tri-City Service District Advisory Committee.

CITY OF WEST LINN

By 

CITY OF OREGON CITY

By 

CITY OF GLADSTONE

By 

CLACKAMAS COUNTY
DEPARTMENT OF UTILITIES

By 

CLACKAMAS COUNTY SERVICE DISTRICT NO. 1 RIVERHEALTH ADVISORY BOARD RULES

Pursuant to Order No. 2008-155 approved September 25, 2008 by the Board of County Commissioners of Clackamas County ("Board") acting as the governing body of the Clackamas County Service District No. 1 ("District"), the Board created a standing Advisory Board consisting of citizen and City representatives of the District.

INTRODUCTION

The Board desires that the Advisory Board perform several designated advisory functions to assist the Board and the director of the District ("Director") in the establishment and implementation of the District's strategic direction and effective utilization of its assets. Generally, the Advisory Board shall be responsible to (i) hold public meetings, actively solicit public input from all stakeholders within the District, including citizens and businesses of the District, municipalities, and other organizations; (ii) provide feedback to the Board and the Director regarding contemplated actions; and (iii) provide recommendations to the Board regarding matters brought to the attention of the Board or the Director. The Board, as the governing body of the District, will consider the gathered information and recommendations produced by the Advisory Board in making determinations regarding the policies of the District. The representatives from the Advisory Board may be asked to testify regarding such recommendations at Board business hearings. The Advisory Board 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 Advisory Board finds that rules should be adopted regarding its conduct of business and therefore adopts the following:

I. DUTIES AND RESPONSIBILITIES OF THE RIVERHEALTH ADVISORY BOARD

- a. The Riverhealth Advisory Board shall:
 - i. Review, discuss and make recommendations on staff developed and proposed long-range capital improvement plans regarding the provision of wastewater collection and treatment and watershed management service;
 - ii. Review and make recommendations upon the District's annual budget; and
 - iii. Perform such other projects assigned by the Board, and/or suggested by the Director consistent with the effective operation of the District.
 - iv. Perform the duties described in the preamble of this document in a manner consistent with the Introduction.
- b. The Riverhealth Advisory Board may consider other matters consistent with the above-enumerated duties; however, it is the intent of the Board that the formation of policy for directing the day-to-day operations and determining the long term

strategic directions of the District is reserved to the Board acting through the Director.

- c. The Riverhealth Advisory Board shall make recommendations to the Board and the Director of the District-as they pertain to the Advisory Body'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 operation 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 Advisory Board as necessary to convey the history of sewer and tax rates; explanation of revenue sources, provide the necessary background to understand the system development charges and understand the priorities established on the capital improvements contemplated. The Director shall present the annual budget recommendations and any recommended increases to the Advisory Board prior to the presentation of those recommendations to the District's Budget Committee. If the Director's recommendations are different than those of the Advisory Board, the Advisory Board shall include their 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 Advisory Board quarterly as it relates to the adopted annual budget for the District. The Director shall provide the Advisory Board 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 Riverhealth Advisory Board shall be held at a minimum on a bi-monthly basis at a time and day agreed to between the Advisory Board and the Director. Special meeting may be requested through the Director by any member in accordance with Oregon Public Meeting Law notice requirements. The Director and the advisory member 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 Advisory Board representatives prior to public notice. Concurrence may be obtained through a poll of the representatives.

- b. A quorum shall be defined as a minimum of four representatives.

IV. ORGANIZATION AND PROCEDURE

- a. Meetings shall be conducted in a collegial fashion. Testimony from I 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.
- b. 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.
- c. A Chairperson shall be chosen by the Advisory Board at the start of each calendar year. The term shall be one calendar year. The Chair will be the primary point of contact between Advisory Board and the Director, District staff and the Board.
- d. Any Advisory Board recommendation to the Board that differs from the staff recommendation requires the majority vote of the full membership. Specifically, a quorum present at any meeting shall be sufficient to transact business for the purpose of taking action and making a recommendation to the Board.
 - i. Following a vote by the Advisory Board, the Director shall prepare a draft findings and recommendations document; the Chair will manage any edits to the draft. The Chair shall forward for review and solicit feedback from all of the members prior to finalizing the recommendation. The recommendation shall be forward to the Board of County Commissioners through the Director only after vetting of the draft written recommendation by the majority membership of the Advisory Board that voted to support the action. The Advisory Board shall adhere to the Board's administrative protocol for scheduling items for consideration.