

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Sitting as the Governing Board of the Tri-City Service District

Policy Session Worksheet

Presentation Date: 3/1/16 **Approximate Start Time:** 3:30 PM **Approximate Length:** 15 min

Presentation Title: Approval of Amendments to the Bylaws for Interim Tri-City Service District Advisory Committee

Department: Water Environment Services ("WES")

Presenters: Greg Geist, Gary Schmidt, and Amanda Keller

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

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Amend the Tri-City Service District ("TCSD") Advisory Committee ("TCAC") bylaws to replace city managers with elected city representatives, remove the Water Environment Services Director as a voting member, and update the bylaws.

EXECUTIVE SUMMARY (why and why now):

On February 16, 2016, the BCC convened as the governing body of the TCSD and directed WES Staff to proceed with a proposal to create a single Districts' Advisory Committee ("DAC") for both TCSD and Clackamas County Service District No. 1. As an interim step until the DAC is formed, the BCC directed WES staff to update the TCAC bylaws to replace the membership status of the city managers from Gladstone, Oregon City, and West Linn with elected representatives from those cities' councils or commissions, remove the WES Director as a voting member of the TCAC, and update the bylaws to reflect the current version of Advisory Board Committee bylaw standard.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the cost? N/A

What is the funding source? N/A

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:

N/A

PUBLIC/GOVERNMENTAL PARTICIPATION:

Members of the existing Tri-City Advisory Committee were provided with a draft of the new interim Tri-City Advisory Committee bylaws for review. Staff presented their recommendations to the BCC on February 16, 2016.

OPTIONS:

1. Approve the bylaws as amended.
2. Do not amend the bylaws.

RECOMMENDATION:

Staff respectfully recommends option 1, that the Board approve the bylaws as amended.

ATTACHMENTS:

1. Existing Tri-City Advisory Committee Bylaws
2. New Interim Tri-City Advisory Committee Bylaws

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval _____ GG _____

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Matt Glazewski 503-742-4566
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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

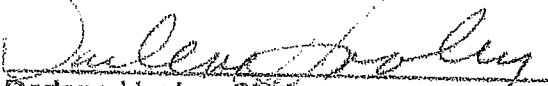
ORDER NO. 93-996

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 

DRAFT

TRI-CITY SERVICE DISTRICT

ADVISORY COMMITTEE BYLAWS

Pursuant to Order No. 2016____, approved _____, 2016 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 proposed long-range capital improvement plans developed by staff regarding the provision of wastewater collection and treatment;
 - iii. Review and make recommendations on 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 a majority of Committee 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, as further specified in the duties and responsibilities below.

- 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 a majority of Committee 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 two (2) 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, for a total of three (3) members.

- 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 all applicable 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 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.