

# **Wastewater Treatment Capacity Advisory Committee Bylaws**

The Board of Commissioners of Clackamas County (“BCC”), in its roles as the governing body of Clackamas County, of Clackamas County Service District No. 1 (“CCSD#1”), and of the Tri-City Service District (“TCSD”), desires to form a permanent advisory committee, in addition to the existing service district advisory committees, composed of interested partners regarding the planning, construction, management, and financing of wastewater treatment infrastructure in Clackamas County. This committee shall be the Wastewater Treatment Capacity Advisory Committee (“Committee”).

## **Article 1 - Committee Scope and Composition**

**Section 1.1: Purpose.** The Committee shall:

- a. Review, discuss and make recommendations on proposed operational and multi- district capital improvements to the region's wastewater treatment system, programs, and capacity;
- b. Review and make recommendations regarding expenditures of funds relating to the same; and
- c. Perform other projects as assigned by the Board, as such may be suggested by the Director of Water Environment Services (“WES”) or requested by the Committee and approved by the BCC or as otherwise provided for in these bylaws.

**Section 1.2: Membership.** The following geographical areas and municipal entities shall have representation on the Committee:

- a. Unincorporated Clackamas County within the boundaries of CCSD#1;
- b. City of Damascus;
- c. City of Gladstone;
- d. City of Happy Valley
- e. City of Johnson City;
- f. City of Milwaukie;
- g. City of Oregon City; and
- h. City of West Linn.

**Section 1.3: Appointment.** The governing political body of each city shall appoint one representative and one alternate to the Committee. The BCC shall appoint the representative and alternate for the unincorporated areas pursuant to the terms and procedures of the advisory committee policy of Clackamas County.

## **Article 2 - Term and Responsibilities**

**Selection 2.1: Term.** The Committee will have an indefinite term or until dissolved by mutual agreement of the Members or by the BCC. A member may withdraw at any time without penalty of any kind.

**Section 2.2: Duties and Rights.** Each member shall have the following duties and/or rights with respect to treatment obligations:

- a. *General Rights.* Membership has no effect on the existing rights and duties of each service district and each member.
- b. *General Duties.* Each Member agrees that the Committee shall make recommendations and request actions consistent with: 1) cost effective operations of the county service districts, 2) the requirements of ORS Chapter 451, and 3) each District's obligation to pay for the costs associated with growth of its Members' service needs.
- c. *Access to Meetings and Records.* All meetings and records of the Committee shall be held, maintained and/or made available consistent with Oregon Public Meetings Law and Oregon Public Records Law, as applicable.
- d. *Master Planning.* The Committee shall review and make recommendations on regional wastewater treatment system master plans regarding existing and future wastewater treatment capacity.
- e. *Investment Strategy.* The Committee shall review and make recommendations on investments and/or expenditures for land, capital facilities, and equipment as necessary to implement the Master Plans.
- f. *Environmental Compliance.* The Committee shall review and make recommendations about environmental management and permitting where regional interests intersect with existing jurisdictional responsibilities.
- g. *Rate Evaluation.* The Committee shall review and make recommendation to the BCC on wholesale wastewater treatment rates to be assessed to all areas.
- h. *Future Membership.* The Committee shall discuss criteria and make recommendations on the addition and conditions of any future members who apply to the BCC for membership to this agreement or Committee. Consideration for membership in this agreement and Committee shall follow the process and shall meet the minimum criteria as outlined in Article 4.
- i. *Non Treatment Capital Facilities.* The Committee may make recommendations to the BCC to lend or advance funds for the purposes of construction of non-treatment wastewater capital facilities, i.e. water reuse, biosolids programs, temperature control infrastructure, industrial pretreatment programs, etc. The Committee shall include in its recommendations how the funds are to be secured and the repayment terms including principal, interest, and related expenses.

## **Article 3 - Decisions and Procedures**

**Section 3.1: Voting.** The appointed members to the Committee shall be allocated votes as set forth below:

- a. The Cities of Gladstone, Oregon City and West Linn shall be awarded 1 and 2/3 votes each.

- b. The cities of Damascus, Happy Valley, Johnson City and Milwaukie shall be awarded 1 vote each.
- c. The unincorporated area of north Clackamas County shall be awarded 1 vote.

**Section 3.2: Recommendations to the BCC.** The Committee will vote on all Committee recommendations to the BCC. A majority shall be members holding at least 5 eligible votes. The Committee shall by majority vote provide a report to the BCC regarding its recommendations for investments or expenditures for new wastewater treatment assets or recommendations to change wholesale rates regarding wastewater treatment assets or recommendations to amend the Committee Bylaws. Minority reports and recommendations may be sent to the Board at the request of one or more Members.

**Section 3.3: Voting Revisions.** If the membership of the Committee changes due to the addition of new members or withdrawal of any members the Committee shall, as part of its actions reallocate votes on the Committee in an appropriate manner to recognize the new member or loss of a member to maintain equal voting status for CCSD#1, which includes Milwaukie, and TCSD.

**Section 3.4: Meetings.** The Committee will meet quarterly, or at the request of the BCC. Additional meetings may be called by the Chair as he/she deems necessary. Members shall elect the Chair of the Committee, and the Chair position shall rotate annually.

**Section 3.5: Staffing.** WES staff will perform as County staff liaisons to the Committee and provide technical and administrative support.

## **Article 4 - New Membership**

This section does not apply to founding members (See section 1.2) and applies only to those who apply for membership after the formation of the Committee.

### **Section 4.1 Process.**

- a. Prospective new members must submit a written request for admission to the Committee and provide evidence of their ability and willingness to meet the criteria set forth below. The Committee will review this written request for admission and forward a recommendation to the BCC prior to any decision regarding the prospective new member.
- b. Entities that meet the criteria for membership, as set forth below, may petition for admission on the Committee. The BCC may require additional information from the prospective new member before making a final decision on membership.
- c. The BCC shall be the sole entity in approving membership to the Committee. The BCC will receive a recommendation from the Committee about the addition of new members prior to any final decisions on membership.

**Section 4.2: Criteria.** To be approved as a new member by the BCC, a prospective new member must:

- a. Accept, without reservation or conditions, all agreements, by-laws, and procedures governing the wastewater treatment system that are in place at the time of their entry on the Committee;
- b. Have a minimum of 5,000 ratepayers who obtain wastewater treatment from a County or City service district;
- c. Agree to and pay an equitable share of the costs of improvements, expansion, or changes of existing and/or new or additional wastewater treatment facilities and related infrastructure; and
- d. Be required at the discretion of the BCC, and upon recommendation from the Committee, to contribute capital or physical assets as part of their share in the cost of major improvements or expansions of existing and/or new or additional wastewater capacity.

## **Article 5 - Amendments**

**Section 5.1: Representative Reporting.** Each Member representative shall report on any proposed bylaw changes to their respective representative bodies.

**Section 5.2: BCC Amendments.** The Committee requests that the BCC, before considering any BCC- initiated amendments to these bylaws, consult with the Committee and allow sufficient time for consultation by the Committee representatives with their respective representative bodies.