

AGENDA

CITIZENS UTILITY ADVISORY BOARD

Wednesday, September 2, 2009
6:00 p.m.

JOHNSON CREEK FACILITY CONFERENCE ROOM
6101 SE JOHNSON CREEK BLVD.

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| I. | CALL TO ORDER | CUAB Chair |
| II. | INTRODUCTIONS | CUAB Chair |
| III. | CONSENT AGENDA | CUAB Board |
| | A. No items | |
| IV. | DISCUSSION | |
| | A. Kellogg Plant Update | Update from City Council |
| | B. Revised proposal for Community Partnership
(proposed by-laws attached) | |
| V. | REPORTS | |
| | A. Information on sewer treatment options | Gary Parkin |
| VI. | MATTERS FROM THE BOARD | CUAB Members |
| VII. | OTHER | |
| VIII. | INFORMATION SHARING | ALL |
| IX. | FUTURE MEETING DATE/AGENDA ITEMS | ALL |
| X. | ADJOURN | |

CUAB MEETING MINUTES
Wednesday, August 5, 2009
Johnson Creek Facility Conference Room
6101 SE Johnson Creek Blvd.

Members Present

Charles Bird, Chair (by Skype)
Bob Hatz, Vice Chair
Beth Kelland
Mike Scolar

Staff Present

Gary Parkin, Engineering Director

I. CALL TO ORDER

Vice Chair Hatz called the meeting to order at 6:15 p.m. (Chair Bird was connected via Skype at 7:05).

II. INTRODUCTIONS—Jason Rice (for Master Plan discussion).

III. CONSENT AGENDA

No items.

IV. DISCUSSION

- A. Group discussed the progress of the sewer treatment cost negotiations between the City and the County. Generally a bad feeling that the County is not negotiating in good faith (take it or leave, difficult to understand cost assumptions, etc).

Desire of the CUAB:

1. Feedback from the negotiations prior to general release to enable the CUAB to weigh in.
 2. Check alternative treatment options again, in light of the new proposed costs perhaps the alternatives are more appealing.
 3. Invite County representative to explain the rates and new contract to the board.
 4. A meeting with Deborah Barnes and Jeremy Ferguson.
- B. Work plan was discussed. Desire to provide some stormwater information to the group (current environmental requirements). Also to emphasize the CUAB charter to “promote public knowledge”, beginning with trying to fill the fifth position within the Board.

V. Reports

A. Gary went over the Capital Project schedule for FY '09-10.

VI. MATTERS FROM THE BOARD—None.

VII. OTHER—None.

VIII. INFORMATION SHARING

Bob thanked Charles for providing the transportation for the June 8, 2009 tour. Bob was likewise thanked for acting as the tour guide.

Bob expressed a concern relayed to him by a neighbor, that property tax appraisals would not reflect the current, lower property values.

IX. FUTURE MEETING DATE/AGENDA ITEMS

September 2, 2009: 6:00 p.m.

X. ADJOURN

The meeting adjourned at 8:05 p.m.

Bob Hatz, Vice Chair *for*
Charles Bird, Chair

Gary Parkin, Scribe

Waste Water Treatment Capacity Advisory Committee

Bylaws

The Board of Commissioners of Clackamas County in its roles as the governing body of Clackamas County, of Clackamas County Service District No. 1, and of the Tri-City Service District (BCC), desires to form a permanent advisory committee 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 (the "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 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 Milwaukie;
- (f) City of Oregon City; and
- (g) 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 for the unincorporated areas pursuant to the terms and procedures of the advisory committee policy of Clackamas County.

Article 2. Term and Responsibilities.

Section 2.1 Term. The Committee will have an indefinite term or until dissolved by mutual agreement of the Members or by the BCC.

Section 2.2 Duties and Rights. Each member shall have the following duties and/or rights:

- (a) *Fiduciary Duty.* Each Member agrees that the Committee shall make recommendations and request actions consistent with operations of the County Service Districts as a collective public service utility business.
- (b) *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.
- (c) *Master Planning.* The Committee shall review and make recommendations on regional waster treatment system master plans regarding existing and future wastewater treatment capacity.
- (d) *Collective Investment Strategy.* The Committee shall review and make recommendations on collective investments and/or expenditures for land, capital facilities, and equipment as necessary to implement the Master Plans.
- (e) *Environmental Compliance.* The Committee shall review and make recommendations about environmental management and permitting where regional interests intersect with existing jurisdictional responsibilities.
- (f) *Rate Evaluation.* The Committee shall review and make recommendation to the BCC on wholesale wastewater treatment rates to be assessed to all areas.
- (g) *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.
- (h) *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 1/3 votes each.
- (b) Unincorporated ratepayers of CCSD#1 and the cities of Damascus, Happy Valley, and Milwaukie shall be awarded 1 vote each.

Section 3.2 Recommendations to the BCC. The Committee will vote on all Committee recommendations to the BCC. All Committee recommendations will be on the basis of a majority of a quorum of its members. A quorum shall be members holding at least 5 eligible votes. The Committee shall provide a report to the BCC regarding its recommendations for investments or expenditures for new assets or recommendations for investments or expenditures for new assets or recommendations to change wholesale rates. 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 and redefine a majority.

Section 3.4 Meetings. The Committee will meet quarterly, or by agreement of a majority of members holding at least 5 eligible votes, or at the request of the BCC. Additional meetings may be called by the Chair as he/she deems necessary.

Section 3.5 Staffing. The Water Environment Services staff will perform as County staff liaisons to the Committee. The staff will determine the agenda and the Executive Director or his/her designee will Chair the Committee. The Executive Director shall not have a vote regarding the recommendations of the Committee. The Executive Director will place items on the agenda as determined by the business needs of the Wastewater Treatment System and upon request by any member of the Committee.

Article 4. New Membership.

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 share in the cost of major improvements or expansion of existing and/or new or additional wastewater treatment facilities and related infrastructure; and
- (d) Be required at the discretion of the BCC, upon recommendation from the Committee 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.