

BYLAWS
OF THE
REGIONAL WASTEWATER
COORDINATING COMMITTEE
10/27/08

ARTICLE 1. Establishment:

The Regional Wastewater Coordinating Committee (RWCC) hereby adopts the following Bylaws as stipulated in the Raymond and South Bend Interlocal Agreement for the Regional Wastewater Treatment Facilities as signed by the Governing Bodies of Raymond and South Bend, on May 31, 2008.

ARTICLE 2. Purpose and Objective:

The primary function of the RWCC is to recommend management, budgeting considerations, operation and maintenance procedures, public relations suggestions and any other subjects or actions that will maintain a high quality of service to the users of the regional wastewater facilities.

RWCC may take any action necessary or convenient to perform its functions and duties as specified in the said interlocal agreement. The RWCC's responsibilities as set forth in the said agreement includes, but is not limited to the following:

- A. To provide an overview of the maintenance and operation of the regional sewerage facilities as outlined in EXHIBIT B of the interlocal agreement; and
- B. Recommend adjustments when required in the allocation of the regional facilities operational costs for Raymond and South Bend; and
- C. Recommend a financial plan based on the financing criteria as described in EXHIBIT C of the interlocal agreement; and
- D. Recommend an annual budget and an annual financial statement for the regional sewerage facilities; and
- E. Provide input on sewer service charges and connection charges for regional sewerage services; and

- F. To provide input on billing and collection systems, if necessary, in locations where such systems are not provided by others; and
- G. To recommend consulting services when required; and
- H. Monitor state and federal standards and make recommendations for operation procedures to meet these standards; and
- I. Monitor and make recommendations on modifications of current practices used for pretreatment requirements for industrial and other wastes as necessary; and
- J. Monitor and make recommendations on minimum uniform standards for construction and maintenance of local sewage collection systems; and
- K. Plan and make recommendations for expansion and improvements of the regional facilities when required or directed by the regulatory agencies; and
- L. Coordinate with the Administrative Manager in his performance of the responsibilities as outlined in the interlocal agreement; and

ARTICLE 3 Membership and Voting:

- Section 1. The RWCC is an advisory committee and makes recommendations to the respective Mayors for formal action by the two city councils. The RWCC shall consist of six (6) voting members.
- Section 2. The chairman of the RWCC has a vote on all issues before the RWCC. A tie vote on an issue will be forwarded to the Mayors and shall be so identified. The two City Councils will make the decisions as herein discussed.
- Section 3. Seated members of the RWCC are required to notify the RWCC Chairman prior to a scheduled meeting that they will be absent from a regular or special meeting.
- Section 4. Those RWCC members who notify the Chairman or the Secretary by e-mail, facsimile "FAX", written correspondence or telephone can allocate their vote by a written proxy to another RWCC member. The said proxy vote is only valid on the agenda items for a specific meeting.
- Section 5. Should an impasse occur on a voting issue between the two city councils the City of Raymond as the lead city will have the veto and overriding vote on any and all issues presented by the RWCC.

- Section 6. The Mayor of Raymond shall appoint two (2) elected city councilmen and one (1) Raymond citizen at large who will be confirmed by the Raymond City Council to serve on the RWCC at the pleasure of the Mayor.
- Section 7. The Mayor of South Bend shall appoint two (2) elected city councilmen and one (1) South Bend citizen at large who will be confirmed by the South Bend City Council to serve on the RWCC at the pleasure of the Mayor.
- Section 8. The RWCC will participate in the identification of the candidates for the Administrative Manager position and will recommend to the Mayor's of Raymond and South Bend. As the lead city the Raymond Mayor shall appoint and the Raymond City Council shall confirm the selection. The Administrative Manager is an at-will employee and is directly responsible to the Mayor of Raymond. The Administrative Manager renders advice and services to the RWCC. The Administrative Manager has no vote on issues before the RWCC, but can participate in the discussions on issues.
- Section 9. Voluntary resignation of a RWCC member requires a written letter to the Mayor of the City that the member represents.
- Section 10. The term of a RWCC member is considered to start on January 1, of each year and ends on December 31 of the same year.
- Section 11. The term of a RWCC member will be automatically extended each year by the incumbent Mayor unless the RWCC member resigns.
- Section 12. Should a city councilman be unseated in a bid for reelection they will be automatically dropped from the RWCC.
- Section 13. Should the incumbent mayor be unseated or chooses not to run for reelection, the Mayor Elect will, within forty-five days (45) automatically extend the terms of the RWCC members or advise the RWCC members that they are to be replaced.
- Section 14. The tenure of a RWCC member is not limited as long as the individual meets all of the requirements stipulated herein.

ARTICLE 4 Meetings of the RWCC:

- Section 1. As stipulated in the Interlocal Agreement the RWCC “shall meet no less than once per quarter, and as frequently as special needs arise.”
- Section 2. The meetings of the RWCC shall be held in the Council Chambers of the City of Raymond. The meetings will normally be held on Thursdays and the starting time will be 7:00 P. M.
- Section 3. The Chairman of the RWCC may call special meetings. Notice of any special meetings of the RWCC, setting the time, location and purpose thereof, shall be given at least forty-eight (48) hours prior thereto through the means as stipulated and outlined in ARTICLE 3, Section 4.
- Section 4. Four members of the RWCC shall constitute a quorum, provided that at least two members of each municipal corporation is present, or a proxy vote is in hand to satisfy the two-two make-up of those present.
- Section 5. Each voting member shall be entitled one vote on all issues presented at RWCC meetings at which the member is present or has assigned their vote to another RWCC member as stipulated in ARTICLE 3, Section 4.
- Section 6. All meetings of the RWCC shall be conducted in accordance with Robert’s Rules of Order.
- Section 7. RWCC meetings shall be open to the public.
- Section 8. The official year for the RWCC starts on January 1 of each year and ends on December 31 of that year.

ARTICLE 5. Officers and Duties:

- Section 1. The members of the RWCC shall annually elect a Chairman, who shall preside at all meetings and be responsible for establishing the meeting agenda, as well as, excusing members from meetings and approving proxy votes. The Chairman with the assistance of the Secretary will also be responsible for forwarding the recommendations of the RWCC to the Mayors of Raymond and South Bend.

- Section 2. The members of the RWCC shall annually elect a Vice-Chairman who shall perform the duties and responsibilities of the Chairman in his absence.
- Section 3. The members of the RWCC shall annually elect a Secretary who shall be responsible of keeping formal minutes of the RWCC proceedings and actions, as well as, forwarding the said minutes and actions to the RWCC members. The Secretary shall be the custodian of the RWCC's records.
- Section 4. The RWCC will adopt all administrative rules and policy statements through a formal process.
- Section 5. Officers of the RWCC shall meet the qualifications of a member as stipulated in ARTICLE 3, Sections 6 and 7.
- Section 6. The elected officers of the RWCC may serve multiple terms as long as they are elected by a majority vote the RWCC members and they meet the qualifications of ARTICLE 3, Sections, 6 and 7.

ARTICLE 6. Hearing Procedures and Notice Requirements:

- Section 1. The RWCC shall adopt procedures and notice requirements governing the conduct of hearings pursuant for complaints from property owners who are aggrieved (hereinafter, Appellant) by and of the following:

- A. Rule of the RWCC;
- B. Sewerage rules, regulations, policies, or practices of Raymond and South Bend; and
- C. Any aspect of the sewerage operations of Raymond and South Bend; and

The procedures are intended to promote a hearing process that is simple, efficient, and expeditious for all parties. The RWCC encourages informal resolution of complaints. The RWCC, the said Chairman, or a designee of the RWCC Chairman may appoint a hearing official to conduct hearings and report recommended findings and conclusions to the RWCC.

- Section 2. A request for a hearing must be submitted to the RWCC as follows:

- A. A request for a hearing on the Form attached hereto as ATTACHMENT 1, or as specified by the RWCC's Chairman or a designee of the said Chairman, must be completed and signed by the Appellant; and
- B. A copy of the decision being appealed must be included with the Request for Hearing; or, if applicable, a concise description of the rule, regulation, policy, practice, or aspect of sewage operation that Appellant is aggrieved by must be included with the Request for Hearing; and
- C. If an oral argument before the RWCC or hearing official is desired by the Appellant, it must be requested at the time of the filing or it will be waived, unless requested by either the RWCC or any other party; and
- D. Failure to file the Request for Hearing with all required information may result in dismissal; and
- E. A hearing date will be set by the RWCC Chairman, a designee of the said Chairman, or the hearings official appointed. Unless otherwise mutually agreed to by all parties and approved by the RWCC Chairman, a designee of the RWCC Chairman, or the hearing official, the hearing date will generally be within sixty (60) days of the date of the filing of the Request for Hearing; and
- F. The Request for Hearing and all required information must be filed (received by the RWCC at its office at 230 Second Street, Raymond, Washington 98577) no later than 4:00 P. M. on the last day set for appeal by any applicable provisions of the Raymond Code or the South Bend Code; and
- G. The RWCC Chairman, a designee of the said Chairman, or the hearing official if one is appointed shall generally provide at least fifteen (15) days prior to the written notice of the hearing to each party and such notice shall include whether the hearing will be before a hearing official or the RWCC.

Section 3. Written submission to the RWCC or hearing official shall comply with the following:

- A. Appellant's initial brief, and any documentary evidence, must be filed within fourteen (14) days of the date Appellant filed the Request for Hearing; and

- B. Respondent's brief including a request for oral argument), if any, and any documentary evidence, must be filed within fourteen (14) days of the date Appellant's brief was filed; and
- C. Appellant's reply brief, if any, must be filed within seven (7) days of the date that Respondent's brief was filed; and
- D. Copies of all briefs must be served on all other parties on the day of filing; and
- E. The RWCC Chairman, a designee of the said Chairman, or hearing official, may limit the brief length.

Section 4. Oral arguments, if requested, shall be conducted by the RWCC or the hearings official as follows:

- A. Appellant may first present oral argument; and
- B. Respondent may present oral argument; and
- C. Appellant may rebut Respondent's oral argument; and
- D. Oral argument may limited by the RWCC or the hearing official; and
- E. The hearing shall be an informal hearing; the rules of evidence shall not apply, and neither witness or cross-examination of other parties shall be allowed unless ordered by the RWCC, the said Chairman, a designee of the RWCC Chair, or hearings official; and
- F. The hearing may be adjourned from time to time by the RWCC or the hearing official if necessary.

Section 5. Actions to be taken by RWCC are:

- A. The RWCC or hearings official may make a summary determination on all or part of the appeal at any time; and
- B. The RWCC shall issue a written decision. The decision will generally be issued within the time set by any applicable provisions of the Raymond Code or South Bend Code; and

- C. The RWCC or then hearings official may decide that the RWCC has no basis to make then requested determination or make a recommendation; and
- D. The RWCC, the RWCC Chairman or the hearings official may dismiss the Appellant's request for failure to comply with these procedures; and
- E. The RWCC, the RWCC Chairman, or the hearings official may modify any of the above procedures for good cause shown or when the interests of justice so require.

ARTICLE 7. Disputes Between the Cities of Raymond and South Bend

Section 1. Should a dispute occur between Raymond and South Bend relating to any issue arising under the interlocal agreement the impacted party or parties may submit the dispute to the Superior Court of Pacific County for arbitration proceedings as provided by Chapter 7.04 of the RCW.

- A. Arbitration proceedings shall be used as a last resort after extensive efforts to resolve an issue cannot be reached between Raymond and South Bend; and
- B. The arbitrator assigned by the said Superior Court shall determine the rules of the arbitration proceedings; and
- C. The arbitration shall be limited to the interpretations and application of the Interlocal Agreement; and
- D. Arbitration proceedings will not be impair the said Agreement and debt obligations of the two Cities; and
- E. Arbitration proceedings will not impair the powers of the RWCC; and
 - 1. To manage the budget; and
 - 2. Determine the methods used in the management of the joint sewerage facilities; and
- F. All costs associated with the arbitration proceedings shall be apportioned equally between Raymond and South Bend.

ARTICLE 8. Budgetary Procedures:

- Section 1. The City of Raymond shall notify and provide the RWCC with a budget by October 1 of each year after the initial construction of the wastewater facilities are completed.
- A. The Budget will show the estimated debt service and reserve required for Bonds and any other Bonds thereafter issued to finance the regional facilities or future facilities; and
- B. The Regional facilities Operation and Maintenance costs and the coverage requirements of such Bonds for the ensuing calendar year.
- Section 2. The RWCC is to review the Budget by November 1 and return to the City of Raymond.
- Section 3. The City of Raymond will review the RWCC's recommendation(s) and will then furnish the proposed budget to South Bend along with the data and supportive documents. Thereafter the lead city shall adopt its final budget.
- A. The financial responsibilities to be paid for capital costs by Raymond and South Bend as set forth in EXHIBIT C in the inter local agreement shall govern; and
- B. The financial responsibilities to be paid for Operation and Maintenance by Raymond and South Bend shall be established pursuant to the formula set forth in EXHIBIT D of the interlocal agreement.

ARTICLE 9 Central Office:

The central office of the RWCC is designated as follows:

Regional Wastewater Coordinating Committee
300 First Street
Raymond, Washington 98577

Telephone: 360/942-4107

Facsimile: 360/942-4138

ARTICLE 10 Amendments to Bylaws:

These bylaws may be amended or repealed or new bylaws may be adopted by a majority vote of the voting members of the RWCC. Written notice of proposed amendments and the nature thereof shall have been given to the membership of the RWCC at least seven (7) days prior to the date of the meeting at which the amendments are to be considered.

Adopted this _____ day of _____, 2008.

Todd P. Stephens, Councilman

Dale Little, Councilman

Jason Dunsmoor, Councilman

Kirk C. Church, Councilman

John Dunsmoor, Citizen at Large

Eric A. deMontigny, Citizen at Large

ATTACHMENT 1

REQUEST FOR HEARING BEFORE THE REGIONAL WASTEWATER COORDINATING COMMITTEE

Name of Appellant _____

Street Address _____

City, State & Area Code _____

Telephone Number _____ **e-mail** _____

Subject: