

BYLAWS OF THE
METROPOLITAN WASTEWATER MANAGEMENT COMMISSION

ARTICLE 1. *Establishment*

The Metropolitan Wastewater Management Commission has been officially established through the authority of the Metropolitan Wastewater Management Commission Agreement, dated February 9, 1977, signed by the governing bodies of Eugene, Springfield, and Lane County.

ARTICLE II. *Purposes and Objectives*

The purposes and objectives of this Commission shall be to provide sewerage on a unified basis for the projected Eugene-Springfield metropolitan area. The Commission may take any action necessary or convenient to perform its functions and duties as specified in the establishing agreement. The Commission's responsibility as set forth in the establishing agreement includes, but is not necessarily limited to, the following:

- (a) To construct, operate, and maintain regional sewerage facilities as described in Appendix "A" of the establishing agreement;
- (b) To recommend the boundaries of a county service district to the Lane County Commissioners;
- (c) To compensate Springfield and Eugene for existing sewerage facilities as defined in Appendix "A" of the establishing agreement;
- (d) To salvage abandoned sewerage facilities;
- (e) To implement a financing plan, based on the financing criteria described in Appendix "B" of the establishing agreement, an annual budget, and an annual financial statement for regional sewerage facilities;
- (f) To adopt a schedule of sewer service charges and connection charges for regional sewer services;
- (g) To establish billing and collection systems, if necessary, in locations where such systems are not provided by others;
- (h) To contract with Eugene, Springfield, and Lane County for operation and maintenance of the regional sewerage facilities and for other services as necessary;
- (i) To contract for consultant services;

- (j) To provide service only to Eugene, Springfield, and Lane County;
- (k) To comply with State and Federal standards;
- (l) To adopt minimum uniform standards for pretreatment requirements for industrial and other wastes as necessary;
- (m) To adopt minimum standards for construction and maintenance of local sewage collection systems; and
- (n) To plan and make recommendations to Eugene, Springfield, and Lane County for expansion and improvement of regional sewerage facilities.

ARTICLE III. *Membership and Voting*

- Section 1. The Commission shall consist of seven voting members.
- Section 2. Each of the governing bodies shall appoint to the Commission one elected official of the governing body.
- Section 3. The City Council of Eugene shall appoint two additional members to the Commission. The City Council of Springfield and the Lane County Commissioners shall each appoint one additional member to the Commission.
- Section 4. Members of the Commission shall serve for three-year terms and/or at the pleasure of the governing body appointing that member. Commission members may serve for as many terms as determined by the governing body.
- Section 5. Notwithstanding the terms of office specified, the members first appointed to the Commission shall serve for terms as determined by the following:
 - (a) The elected officials who are appointed to the Commission shall serve for terms determined as follows:
 - (1) Eugene's representative shall serve for a term ending on February 1, 1978.
 - (2) Springfield's representative shall serve for a term ending on February 1, 1979.
 - (3) Lane County's representative shall serve for a term ending on February 1, 1980.
 - (b) The remaining Commission members shall serve for terms determined by the following:

- (1) Lane County's representative shall serve for a term ending on February 1, 1978.
- (2) One Eugene representative, as designated by the Eugene City Council, shall serve for a term ending on February 1, 1979.
- (3) Springfield's representative and Eugene's remaining representative shall serve for a term ending on February 1, 1980.

ARTICLE IV. *Meetings of the Commission*

- Section 1. Regular meetings of the Commission shall be held at least monthly in a location and at a time specified in advance of said meetings. Regular meetings may be held more frequently, as necessary.
- Section 2. Special meetings of the Commission may be called by the President of the Commission. Notice of any special meeting of the Commission, setting forth the time, location and purpose thereof, shall be given at least twenty-four hours prior thereto by personal contact or by mail to each member.
- Section 3. Five members of the Commission shall constitute a quorum, provided that at least one member appointed by each governing body is present. Decisions of the Commission shall require a majority vote of the entire membership unless otherwise provided in the establishing agreement or these bylaws.
- Section 4. Each member shall be entitled to one vote on all issues presented at meetings at which the member is present.
- Section 5. Commission members shall be entitled to vote through any designated alternate, but not by proxy.
- Section 6. All meetings shall be conducted in accordance with "Robert's Rules of Order."
- Section 7. Members may attend meetings and cast votes via telephone or similar communications equipment, provided that arrangements are made to enable all persons participating in the meeting to hear each other and that allow the public to listen to all communications made over the telephone when required by law.

ARTICLE V. *Officers and Duties*

- Section 1. The members of the Commission shall elect a President, who shall preside at all meetings, and a Vice-President, who shall perform the duties of the President in the latter's absence.

Section 2. The officers, with the exception of those first elected, shall be elected annually at the first meeting in March.

Section 3. A member of the Commission's staff shall attend all meetings, keep minutes of the meetings, and be the custodian of the Commission records.

Section 4. The Commission will adopt all administrative rules and policy statements through a formal resolution process.

ARTICLE VI. *Hearings Procedure and Notice Requirements*

Section 1. The Commission is adopting procedures and notice requirements governing the conduct of hearings pursuant for complaints from property owners who are aggrieved (hereinafter "Appellant") by any of the following:

- (a) Rule of the Commission;
- (b) Sewerage rules, regulations, policies, or practices of Eugene, Springfield, or Lane County; and
- (c) Any aspect of the sewerage operations of Eugene, Springfield, or Lane County.

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

Section 2. A Request for Hearing must be submitted to the Commission as follows:

- (a) A Request for Hearing in the form attached hereto as Attachment 1, or as specified by the Commission's Executive Officer or a designee of the Commission's Executive Officer, must be completed and signed by Appellant;
- (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 sewerage operation that Appellant is aggrieved by must be included with the Request for Hearing;
- (c) If oral argument before the Commission or hearings official is desired by Appellant, it must be requested at time of filing or it will be waived, unless requested by either the Commission or any other party;

- (d) Failure to file the Request for Hearing with all required information may result in dismissal;
- (e) A hearing date will be set by the Commission's Executive Officer, a designee of the Commission's Executive Officer, or the hearings official if one is appointed. Unless otherwise mutually agreed to by all parties and approved by the Commission's Executive Officer, a designee of the Commission's Executive Officer, or the hearings official, the hearing date will generally be within 60 days of the date of filing the Request for Hearing;
- (f) The Request for Hearing and all required information must be filed (received by the Commission at its office at 225 Fifth Street, Springfield, OR 97477) no later than 5:00 p.m. on the last day set for appeal by any applicable provisions of the Eugene Code, Springfield Code, or Lane County Code; and
- (g) The Commission's Executive Officer, a designee of the Commission's Executive Officer, or the hearings official if one is appointed shall generally provide at least 15 days prior written notice of the hearing to each party and such notice shall include whether the hearing will be before a hearings official or the Commission.

Section 3. Written submissions to the Commission or hearings official shall comply with the following:

- (a) Appellant's initial brief, and any documentary evidence, must be filed within 14 days of the date Appellant filed the Request for Hearing;
- (b) Respondent's brief (including a request for oral argument), if any, and any documentary evidence, must be filed within 14 days of the date Appellant's brief was filed;
- (c) Appellant's reply brief, if any, must be filed within 7 days of the date that Respondent's brief was filed;
- (d) Copies of all briefs must be served on all other parties on the day of filing; and
- (e) Brief length may be limited by the Commission's Executive Officer, a designee of the Commission's Executive Officer, or the hearings official.

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

- (a) Appellant may first present oral argument;

- (b) Respondent may present oral argument;
- (c) Appellant may rebut Respondent's oral argument;
- (d) Oral argument may be limited by the Commission or the hearings official;
- (e) The hearing shall be an informal hearing: the rules of evidence shall not apply, and neither witnesses nor cross-examination of other parties shall be allowed unless ordered by the Commission, the Commission's Executive Officer, a designee of the Commission's Executive Officer, or the hearings official; and
- (f) The hearing may be adjourned from time to time by the Commission or the hearings official if necessary.

- Section 5.
- (a) The Commission or the hearings official may make summary determination on all or part of the appeal at any time;
 - (b) The Commission shall issue a written decision. The decision shall generally be issued within the time set by any applicable provisions of the Eugene Code, Springfield Code, or Lane County Code;
 - (c) The Commission or the hearings official may decide that the Commission has no basis to make the requested determination or make a recommendation;
 - (d) The Commission, the Commission's Executive Officer or the hearings official may dismiss the Appellant's Request for Hearing for failure to comply with these procedures; and
 - (e) The Commission, the Commission's Executive Officer or the hearings official may modify any of the above procedures for good cause shown or when the interests of justice so require.

ARTICLE VII. *Budgetary Procedures*

As soon as practicable, the Commission shall adopt within these bylaws procedures and standards for governing the preparation of an annual and supplemental budgets.

ARTICLE VIII. *Central Office*

The central office for the Commission is designated as follows:

Metropolitan Wastewater Management Commission
 225 Fifth Street
 Springfield, OR 97477

ARTICLE IX. *Amendments to Bylaws*

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

Attachment 1: "Request for Hearing" Form

REQUEST FOR HEARING BEFORE THE
METROPOLITAN WASTEWATER MANAGEMENT COMMISSION

Name of Appellant: _____

Street Address: _____

City, State, ZIP: _____

Telephone Number: _____

Discharge Permit Number (if applicable): _____

Date of Adverse Decision (if applicable): _____

Description of adverse decision or, if applicable, a concise description of the rule, regulation policy, practice or aspect of sewerage operation that Appellant is aggrieved by:

Brief description of the facts and arguments supporting the Request for Hearing:

If Appellant will be represented by an attorney, provide attorney's:

Name: _____

Street Address: _____

City, State, ZIP: _____

Telephone Number: _____

Attach copy of adverse decision and other documentation supporting the Request for Hearing.

Signature of Appellant

Date

ATTACHMENT 1