

## SCWA GENERAL MEETING

### MINUTES OF MAY 15, 2002

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**Present:** Jim Koski, *Saginaw County Public Works*; Keith Noble, *MDEQ*; John Malzahn, Dick Dunnill, *Bridgeport Charter Township*; Frank Starkweather, *Bridgeport DDA*; Art Clough, *Bridgeport – Spaulding Community Schools*; Debby Lopez, *Carrollton Township*; Dan Armentrout, *Saginaw County Road Commission*; Rob Grose, *Saginaw Charter Township*; Michael O’Hare, *Saginaw County Board of Commissioners*; John Premo, *City of Saginaw*; Dan Sika, Tim Ader, *Thomas Township*; Warren David, *City of Zilwaukee*; Vic Killingbeck, *Buena Vista Charter Township*; Len Ballosh, *James Township*; Sharon Carroll, *Kochville Township*; Robert Tutsock, *Saginaw Valley State University*; Jack Tagget, *Spaulding Township*; Ron Hansen, Russ Beaubien, Tammy Shively, *Spicer Group, Inc.*

**I. Roll Call & Introductions:** A roll call was conducted by the Chairman, followed by introductions.

**II. Review of Previous Minutes:** The minutes of April 17, 2002 were reviewed. *Rob Grose moved, supported by Len Ballosh, to accept the minutes as presented. MOTION CARRIED.*

**III. May 22, 2002 Meeting with School Districts in the Urbanized Area:** An informational meeting for school districts has been scheduled at the Saginaw County Governmental Center for May 22, 2002 at 10:00 a.m. Few school districts have signed resolutions as of this date, including SVSU and Bridgeport Spaulding Community Schools, who were represented at today’s meeting.

**IV. Legal Review:**

To legally form an authority, a study group must first explore the feasibility of an authority. The SCWA is the study group that will form the SASWA. All bills will be held for one month pending final incorporation of the SASWA.

The Executive Committee met with David Meyer to review and discuss the Bylaws and the Articles of Incorporation. Attendees at today’s meeting received copies of redlined and revised versions, reviewed them, and received a verbal report of the Executive Committee’s discussion.

**A. Bylaws:**

*Article III, Section 1: Annual Meeting* – to be held yearly on the third Wednesday of December.

*Article III, Section 2: Regular Meeting* – 2002 meetings will be held as designated by the Board at its first organizational meeting.

*Article III, Section 3: Open Meetings* – will be held in accordance with Act No. 267 of the Public Acts of Michigan of 1976, as amended.

*Article III, Section 4: Special Meetings* – shall be called by the Chairman or by one-third of the Trustees.

*Article III, Section 6: Notice of Annual and Regular Meeting* – deleted “and regular”, as no notice will be required for regular meetings.

*Article III, Section 8: Quorum* – now defined as a “majority”, rather than two-thirds.

*Article III, Section 9: Voting* – unchanged with two-thirds for passage of any resolution or regulation providing for an issuance of bonds or dissolution of the Authority; a majority vote for all other actions.

*Article IV: New Membership Municipalities* – new member municipalities are to be approved by two-thirds of all member Trustees appointed by then member municipalities.

*Article V: Officers* – lists officer titles and their duties.

*Article VI: Indemnification of Officers and Trustees* – no redlined items noted.

*Article VII: Insurance* – the Authority will purchase appropriate insurances.

*Article VIII: Rules of Order* – the Authority will follow Roberts Rules of Order, latest edition.

*Article IX: Corporate Seal* – no redlined items noted.

*Article X: Committees* – no redlined items noted.

*Article XI: Treasurer's Bond* – no redlined items noted.

*Article XII: Depositories* – the signature of two officers is required for any withdrawal.

*Article XIII: Conflicts of Interest* – no redlined items noted.

*Article XIV: Amendment of Bylaws* – requires a two-third member vote.

## **B. Articles of Incorporation**

*Article I: Name* – corrected to read “Saginaw Area Storm Water Authority”.

*Article II: Membership Municipalities* – include Bridgeport Charter Township, Buena Vista Charter Township, Carrollton Township, Kochville Township, Saginaw Charter Township, Spaulding Township, Thomas Township, City of Saginaw, City of Zilwaukee, County of Saginaw, and County of Saginaw Road Commission. Also need to add James and Tittabawassee Townships. A clause regarding admission of member municipalities prior to June 30, 2002, as incorporated municipalities was deleted.

*Article III: Purpose* – remains unchanged.

*Article IV: Powers* – remains unchanged.

*Article V: Corporate Seal* – remains unchanged.

*Article VI: Existence* – two-thirds membership vote to dissolve authority or add new member.

*Article VII: Fiscal Year* – remains unchanged.

*Article VIII: Board, Trustee, Terms of Office, Officers, Removal* – as per the Articles of Incorporation, municipality terms shall be staggered, Trustees shall receive no compensation, and the Annual Meeting will be held on the third Wednesday in December,

*Article IX: Vacancy of Board Trustees* – remains unchanged.

*Article X: Meetings and Bylaws* – a quorum is a majority of the membership. Amendments may be added to the bylaws.

*Article XI: Duties of Officers, Annual Budgets, Committees and Depository* – a budget will be adopted prior to the first Monday of November each year. All withdrawals require the signature of two officers.

*Article XII: Power to acquire property* – remains unchanged.

*Article XIII: Power to Execute Contracts* – contracts cannot exceed two years.

*Article XIV: Issuance of bonds* – remains unchanged.

*Article XV: Hiring of Officers and Employees* – removed “hiring of officers” from the language.

*Article XVI: Annual Audit* – remains unchanged.

*Article XVII: Publication of Articles* – removed Saginaw News from language. However, despite the expense, the Authority will probably have to use the Saginaw News per law.

*Article XVIII: Effective Date of Authority* – changed “membership municipalities” to “incorporating municipalities”. A deadline for municipalities must be established.

*Article XIX: New Member Municipalities* – Article name corrected to read “Amendments”. New members shall be admitted by a two-thirds membership vote.

*Article XXI: Withdrawal* – withdrawal is allowed by the filing of a resolution of withdrawal approved by a majority of the members of a municipality’s legislative body.

Discussion:

The Chairman indicated that he does not have the ability or information about assessment and apportionment of cost. The apportionments should be in the bylaws. The Articles should note that there will be an assessment, and all members are liable for an apportionment as determined by the bylaws. He will provide changes to the attorney prior to the next meeting.

Realistically, a schedule of 60 days is needed to allow new member municipalities. Apportionments cannot be determined until municipality membership is finalized. Additionally, a final plan cannot be finished until the Authority knows who is in.

The purpose of the Authority was re-affirmed by Mr. Koski. The authority will complete all required permits and facilitate the entire process. Costs will be spread based on acreage (area) within the regulated area. If the MDEQ identifies a spill or other problem, a process must be written to determine who is responsible. The Authority will develop a process or mechanism to handle the problem, but will not pay for the problem.

The Authority will prepare a budget and vote on accomplishments to be made on a yearly basis. Activities can be spread over several years and a determination can be made regarding costs for different phases. The Authority must have language in the Articles of Incorporation that identifies that there will be a cost.

The following will be added to the Articles of Incorporation, Article II, Membership Municipalities: *“In addition, any municipality which has approved a resolution to join SCWA prior to June 30, 2002 shall be designated as an incorporated municipality”*.

Mr. Koski indicated that he needs copies of resolutions from Buena Vista, Saginaw Township, Thomas Township, City of Saginaw, and City of Zilwaukee. He has resolutions from Bridgeport, Carrollton, and the road commission.

Mr. Malzahn indicated that current goals include adoption of the Articles of Incorporation by municipalities and Bylaws by the Board.

There is a \$4,000 fee to join the Authority, plus a minimum three percent apportionment. Advantages to joining include savings in permit fees and not having to administer the plan, as the alliance would.

**V. Mapping – Proposed Watershed Boundary**

Mr. Beaubien displayed a map showing approximate watershed boundaries. Finalization is in process. The public needs to be educated regarding the fact that they are in the watershed of a regulated area or are in a watershed area.

Spicer Group is working with the Saginaw County GIS department. Mapping for the NOI will be done within regulated areas. Currently, the most effective method is being determined. Work is underway for a storm sewer map. Carrollton and Zilwaukee are nearly finished, Saginaw Township is in progress, and Bridgeport work will be started soon. Buena Vista’s information is the most up to date. Dan is in charge of data base management and will catalogue and develop a database.

**VI. Report on PEP and IDEP Drafts**

The Executive Committee is working on the first drafts of these plans, which were written using models of DEQ previously approved plans. Mr. Beaubien asked each community to complete a brief "Public Education Plan Resource Checklist" so that individual PEPs can be customized. Work in progress is to be included on the checklist. Please return the completed checklist, or asked Spicer Group to pick up, as soon as possible. The sooner the forms are returned, the quicker the final PEP and IDEP plans can be finalized.

The Authority can disseminate articles to community newsletters, which will take care of a portion of the PEP. An IDEP and PEP will be addressed in the overall county plan, in addition to individual plans for each community.

**VII. Old Business**

Due to time constraints, Old Business was tabled for the next meeting.

The Chairman noted that he was pleased with the Executive Committee's dedication and satisfied with progress to date by the Authority.

**VIII. New Business**

New Business was also tabled.

**IX. Adjournment**

*Len Ballosh moved, with Michael O'Hare's support, to adjourn the May 15<sup>th</sup> General Meeting of the SCWA. MOTION CARRIED.*

Meeting adjourned at 4:35 p.m.

Respectfully submitted,

Tim Ader, Secretary