



Bassett Creek Watershed Management Commission

MEMO

To: BCWMC Commissioners and Alternate Commissioners
From: Administrator Jester
Date: April 11, 2024

RE: Joint Powers Agreement Update

The first version of the updated BCWMC Joint Powers Agreement (JPA) was reviewed and discussed at last month's meeting. Commission Attorney Anderson made the following revisions which are shown in the "tracked changes" version of the document in Item 5Bi. The term of the JPA is left blank and is up for discussion at this meeting. In March, commissioners discussed 10, 12 and 20-year terms but nothing was decided.

1. Added a definition for the term "Voting Commissioner," which is helpful for clarifying voting requirements throughout. Also updated the various provisions throughout the JPA that reference voting so they now use the term Voting Commissioner.
2. Removed reference in section 3.2(f) to Commissioners appointed for indefinite terms since all Commissioners (and Alternate Commissioners) serve three year terms. In other words, that provision is unnecessary.
3. Retained the ability for Members (cities) to pay their respective Commissioners and Alternate Commissioners, regardless of whether they are compensated by the Commission.
4. Supplemented some of the express powers in section 4.1(a) per Commissioner Welch's recommendations. These changes are clarifying in nature and not substantive.
5. Clarified that in situations where a two-thirds vote is required (for decisions related to capital projects), that approval must be by two-thirds of Voting Commissioners, i.e. two-thirds of those present at the meeting with voting rights.
6. Made some stylistic changes, including some minor grammatical corrections and replacement of the word "shall" throughout. The term "shall" is somewhat antiquated and the JPA is easier to interpret when words like "will" or "must" are used instead.
7. At Commissioner Welch's suggestion, added language to authorize the administrator to disburse Commission funds without two signatures. This ability, when expressly authorized, may streamline work in situations where the Commission authorizes payment but doesn't have the ability to quickly collect requisite signatures.

Recommendation: Staff recommends approval of the proposed JPA document as presented in Item 5Bii (with all tracked changes accepted) and directing me to distribute to member cities for their review with comments due June 10th.