

WASTEWATER ADVISORY COMMITTEE BY-LAWS
Resolution 11-01

ARTICLE I AUTHORITY

The Wastewater Advisory Committee (“Committee”) is established pursuant to Placer County Code Section 8.24.090.

ARTICLE II PURPOSE

The Committee shall serve in an advisory role to the Director of Environmental Health (“Director”) in the following matters:

- A. Development and maintenance of, and when necessary revisions to, the On-Site Sewage Manual to ensure that the Manual reflects all current technology and applications for on-site sewage;
- B. Evaluation and application of new on-site collection, treatment, conveyance, dispersal and disposal technology;
- C. Development , implementation and maintenance of oversight system for introducing innovative on-site sewage technology;
- D. Development, implementation and maintenance of an oversight system to ensure that on-site sewage systems are appropriately operated, maintained, and monitored;
- E. Recommendations for revisions to Article 8.24 of Chapter 8 of the County Code;
- F. Development, implementation and maintenance of policies, practices and procedures to continue to improve protection of public health and delivery of customer service for on-site collection systems; and
- G. Other issues as requested by the Director.

ARTICLE III MEMBERSHIP

Section 1. Members

The Committee shall consist of thirteen (13) members and shall be comprised of one representative from each one of the following:

- Seat 1: One representative of Placer Architects, Geologists, Engineers and Surveyors (P.A.G.E.S.)
- Seat 2: One representative of Academia
- Seat 3: One representative of Placer County Board of Realtors
- Seat 4: One representative of Placer County Facility Services
- Seat 5: One representative of Septage Pumpers
- Seat 6: One representative of Septic Tank Manufacturers

- Seat 7: One representative of the Building Industry
- Seat 8: One representative of On-Site Sewage Consultants
- Seat 9: One representative of Contractors/Installers Industry
- Seat 10: One representative of Manufacturers' Industry
- Seat 11: One representative of Environmental Consultants
- Seat 12: One representative of the Placer County Planning Commission or Member of the Board of Supervisors
- Seat 13: One representative of the Public-At-Large

Section 2. Membership Selection

All members shall be appointed by the Placer County Board of Supervisors ("Board"). Applications for vacancies will be submitted to the Clerk of the Board. Selection for seats 1-3, 5-11 and 13 will be based on the candidate's range of knowledge and experience in the particular field and ability to assist the Committee to achieve its purposes as set forth in Article II.

Section 3. Membership Terms

Each member is to be appointed for a two-year (2) term. The Board may appoint a Committee member for additional terms. The expiration of terms for seats 1, 2, 3, 4, 8 and 13 shall alternate years with seats 5, 6, 7, 9, 10, 11, and 12.

Section 4. Attendance

- A. Committee members are required to attend all regularly scheduled meetings. It is the responsibility of members to contact the Director prior to any known absence from a regularly scheduled meeting.
- B. Three unexcused absences shall result in the removal of the member from the Committee and a new appointment shall be made.

ARTICLE IV COMMITTEE MEETINGS

Section 1. Regular Meetings

The Committee shall meet on the first Tuesday of April and October. This bi-annual schedule shall begin in October 2011 and continue every year thereafter. The regular meetings are subject to the notice requirements set forth in Section 3.C.1. and are open to the public.

Section 2. Special Meetings

Either the Director or the Chair in consultation with the Director may call a special meeting of the Committee. Notice of special meetings is subject to the requirements set forth in Section 3.C.2. and are open to the public.

Section 3. Agendas, Posting and Notice of Regular and Special Meetings

A. Agendas

Each meeting agenda shall include, at a minimum, the following:

- Date and time of Meeting
- Location of Meeting
- Phone Contact for Environmental Health staff member
- Action Items to be considered by the Committee (including approval of prior meeting minutes) shall be described in an agenda in sufficient but brief detail to inform the general public of the subject to be discussed.
- Non-Action Items or Informational items to be discussed by the Committee (including reports of the Committee or County staff and public comment) shall be described in an agenda in sufficient but brief detail to inform the general public of the subject to be discussed.
- Future Agenda Items

B. Continued Regular Meeting Agenda Items, Future Agenda Items

1. The Committee may continue any item on a regular or special meeting agenda to the next regular meeting with a majority vote of the Quorum present.
2. During the "Future Agenda Item" session at a regular meeting, the Committee may request the Director to schedule an item for a future regular meeting agenda with a majority vote of the Quorum present. If consensus cannot be reached by the Committee as to whether a future item should be an action or informational item, the Director in consultation with the Chair shall make said determination.

C. Posting of Agendas, Notice of Meetings

1. Regular Meetings

The Director shall post regular meeting agendas at least seventy-two (72) hours in advance of the meeting date at the following locations:

- On the kiosk outside the Community Development Resources Agency building located at 3091 County Center Drive, Auburn, CA 95603;
- On the meeting board located at the Placer County Board of Supervisors' office located at 175 Fulweiler Way, Auburn, CA 95603; and
- On the Placer County Website (www.placer.ca.gov); and

2. Special Meetings

The Director shall post special meeting agendas at least forty-eight (48) hours in advance of the meeting date at the same locations identified in Section C.1.

D. Regular Meeting Cancellations

A regular meeting may be cancelled at the discretion of the Director, in consultation with the Chair, if there are no scheduled action items or if the Director and/or Chair receive advance notice from the members that a quorum will not be present at the meeting. A regular meeting cancellation shall be posted at the locations identified in Section C.1., no later than twenty-four (24) hours in advance of the meeting date.

E. Agenda Packets

Regular Agenda packets will include all correspondence, information and staff reports for items listed on the agenda. The Agenda packets shall include the draft minutes of the prior regular meeting and any special meetings held. Agenda packets shall be mailed or emailed to each committee member by the end of the business day on the Thursday prior to the regular meeting date. Agenda packets will be available for pick up to members of the public starting on the Friday prior to the regular meeting date. Agenda packets will also be available at the meeting.

Section 4. Conduct of Meetings

A. Quorum

A quorum shall consist of seven of the members of the Committee ("Quorum"). The Quorum shall be established at the beginning of the meeting. Lack of a Quorum at the start of the meeting shall result in the cancellation of the meeting and continuance of all items.

B. Loss of Quorum

In the event that a Quorum is established but subsequently lost during the course of a meeting, the remaining members of the Committee shall vote to continue any remaining agenda items to the next regularly or specially scheduled meeting. The Committee shall then vote to adjourn but may thereafter continue to meet to discuss non-agenda items as individuals. If loss of a Quorum occurs for a single item on an agenda, due to conflict of interest, the remaining members may vote to continue this item to the next regularly or specially scheduled meeting and thereafter continue with the balance of the agenda. Only a majority vote of the remaining members shall be required for any of these actions.

C. Brown Act Requirements

All meetings of the Committee's meetings are subject to compliance with the provisions of Ralph M. Brown Act ("Brown Act"), Government Code section 54950 et seq.

Section 5. Meeting Procedures

All meetings shall be conducted to the following procedures or any special rules of order established by the Board of Supervisors. Any procedure not addressed below shall comply with the Roberts Rules of Order. In the case of a conflict of a specific stated procedure or rule and Roberts Rules, the specific stated procedure or rule shall apply.

A. Call to Order

The Chair shall call the meeting to order and conduct a roll call of the members to determine whether a Quorum is present. If a Quorum is not present, the Chair shall adjourn the meeting due to a lack of quorum. No actions may be taken at a meeting unless a Quorum has been established.

B. Agenda Items

The following describes the general categories of items appearing on a Committee agenda but does not reflect the order in which said items may appear on an actual agenda.

1. Action Items

For each action item, the Chair shall call the item for the record. Staff presentation, if any, will be followed by discussion by the Committee members after which the Chair will ask if any members of the public wish to speak on the item. Following public input, the Chair shall close the public comment portion of the item and bring it back to the Committee for a vote. The Chair at his or her sole discretion may re-open the item for public testimony. The Chair may place a reasonable limit on the time of public testimony but in no case shall this time be less than three (3) minutes.

2. Non-Action Items

The non-action items for the meeting shall be conducted in the same manner as an action item with the exception that no vote or action will be taken.

3. Public Comment

Public Comment is to accept comments from members of the public present on matters material to the purpose of the Committee. No action shall be taken on any public comment item. The Chair may limit public comment to three minutes per speaker. The Committee may elect to vote to instruct the Director to place an item brought up during public comment on a future agenda as an action or Information item. A majority vote of the Quorum present must be obtained to place a public comment issue on a future agenda.

C. Meeting Adjournment

No vote is required to adjourn a meeting at the conclusion of a meeting agenda. If the Committee must adjourn prior to concluding business for any reason, a majority vote of the Quorum present will adjourn the meeting. Adjourning a

meeting due to loss of a Quorum shall only require a majority vote of those members present.

D. Voting Procedures

1. Votes

Each member of the Committee shall have one vote.

Decisions, recommendations, and motions shall be reached by a simple majority of the Quorum present.

2. Action Items

At the conclusion of an action item, the Chair will entertain a motion and a second. A majority vote of the Quorum present will affirmatively move the Committee's recommendation forward. An evenly split vote will constitute "no action" on an item. Voting shall be by verbal declaration of the ayes and nays of the Quorum present unless any member, including the Chair calls for a roll call vote prior to the vote being taken.

3. Reconsideration of Vote

During the same meeting, a majority vote of the Quorum present may call for the rescission and reconsideration of a prior vote. Once the meeting is adjourned, the Committee loses its jurisdiction to rescind a vote taken during that meeting.

Section 6. Minutes and Record Retention

A. Meeting Minutes

A staff member with the Division of Environmental Health shall be responsible for taking and transcribing the meeting minutes from the tape recorded version of the meeting. The draft minutes will be available within sixty (60) calendar days of the meeting. The tape of the meeting will be retained until the minutes from that meeting are adopted by the Committee. Upon approval of the Committee, meeting minutes shall be filed in the Division of Environmental Health together with a copy of the corresponding agenda and retained for a ten (10) year period. The Department may elect to scan these and keep only an electronic version, which version will be downloaded and made available to Committee members or members of the public upon request.

B. Document Retention

Past Agendas and agenda packets shall be retained by the Department of Environmental Health for a ten (10) year period. The Department may elect to scan these and keep only an electronic version, which version will be downloaded and made available to Committee members or members of the public upon request.

ARTICLE V OFFICERS

A. Number of Officers

Officers shall be two (2) in number, a Chair and a Vice-Chair. The Chair and Vice-Chair may be removed by a simple majority of the Committee.

B. Presiding over the Meeting

The Chair shall preside over all meetings of the Committee and be the official representative of the Committee.

In the absence of the Chair, the Vice-Chair shall preside over the meetings of the Committee and be the representative of the Committee. If both the Chair and the Vice-Chair are absent for a meeting, the Committee members will elect a Chair to serve for that meeting by a majority vote of the Quorum present.

C. Vacancy of Chair

In the case of a vacancy in the office of the Chair the Vice-Chair shall accede to that position.

ARTICLE VI CONFLICTS OF INTEREST

A. Disclosure

Whenever a member of the Committee has a financial interest in an action item coming before the Committee, the affected person shall a) fully disclose the nature of the interest and b) withdraw from the Committee's discussion and voting on the matter.

This disclosure shall be made immediately after the action item on the agenda is called by the Chairperson and shall be stated by the affected member on the record. After making this statement, the affected member shall refrain from lobbying, Committee discussion and decision making. The Committee member shall step away from the Committee table during the discussion of this item but may remain in the audience to represent him or herself as a property owner or business owner. If the Committee member testifies in either capacity, he/she shall state for the record in what capacity he/she is testifying prior to commencing testimony.

If the matter involves real property personally owned by the member, the member may stay in the audience and testify as a member of the public and property owner. For purposes of these by-laws, ownership of a product or company that is the subject of an action item to be considered by the Committee, either as a system or on an individual property is a financial interest and shall require the member to recuse him or herself.

B. Definition

For purposes of this provision, the term "financial interest" shall include interest as director, officer, member, stockholder, shareholder, partner, manager, trustee or beneficiary of any concern and having an immediate family member who holds such an interest in any concern. The term "concern" shall mean any corporation, association, trust, partnership, limited liability entity, firm, person or other entity other than the organization.

C. Disclosure in Writing

The affected member may elect to submit this disclosure in writing and refrain from attending the meeting. In this case, the chair shall read the disclosure into the record immediately following introduction of the item.

D. Voting in the case of a Conflict of Interest

A roll call vote shall be required for an item for which a Committee member has declared a conflict of interest. The minutes for that item shall record the conflict of interest disclosure, the results of the roll call vote and shall list the conflicted Committee member as abstaining during the vote.

ARTICLE VII CONFLICT OF INTEREST

A. Appeals Board Members

All members of the Appeals Board must file an annual statement of economic interests (Form 700) statement and comply with all provisions of Article 2.84 of the County Code.

B. Other Member of the Committee

Members of the Committee who do not also serve on the Appeals Board are not required by virtue of their membership on the Committee to file a Form 700 as the Committee serves as a strictly advisory body. However each member is responsible to determine if membership on another County commission, board or committee or employment with the County or another governmental agency requires him or her to file a Form 700 statement.

ARTICLE VIII APPEALS BOARD

A. Authority

The Appeals Board is established pursuant to Placer County Code Section 8.24.120.

B. Appeals Board Membership

The Appeals Board shall be comprised of the Seats 2, 4 and 12 of the Committee.

C. Noticing, Hearing and Decision

The noticing, hearing and decision procedures shall be governed by Placer County Code Section 8.24.120.

D. Conflict of Interest

Whenever a member of the Appeals Board has a financial or personal interest in an item coming before it, the affected person shall a) fully disclose the nature of the interest and b) withdraw from the Committee's hearing and voting on the matter.

This disclosure shall be made immediately after the item on the agenda is called and shall be stated by the affected member on the record. After making this statement, the affected member shall immediately leave the hearing room and not return until after the Appeals Board has taken action on the item.

If the matter involves real property personally owned by the Appeal Board member, the member may stay in the audience and testify as a property owner. For purposes of these by-laws, ownership of a product or company that is the subject of an appeal, either as a system or on an individual property is a financial interest and shall require the Appeal Board member to recuse him or herself from hearing the item.

ARTICLE IX Amendments to By-Laws

Bylaws will be reviewed by the Committee annually. Amendments to these by-laws may be initiated by a 2/3 vote of the membership or by the Director. Only by-law amendments that are consistent with the purpose of the Committee, in compliance with State law and County Code and Board direction will be considered. Proposed changes to the by-laws shall be distributed, in writing, to the members of the Committee at least one-month in advance of the regular meeting during which the by-law amendment discussion is scheduled. Individual Committee members may submit written comments on the proposed changes to the Director no later than seventy-two (72) hours prior to the meeting date. Public testimony on the proposed amendments shall be accepted prior to any vote of the Committee. A 2/3 vote of the Quorum is required for the adoption of an amendment to the by-laws.

**Before the Placer County Wastewater Advisory Committee
County of Placer, State of California**

In the matter of:

**Adopting amendments to the Wastewater Advisory
Committee Bylaws.**

The following Resolution was duly passed by the Wastewater Advisory Committee of the County of Placer at a regular meeting held June 7, 2011, by the following vote on roll call:

Ayes: Denio, Broyer, Olsen, Bluhm, Bell, Ostenson, White

Noes: None

Absent: Banathy, Navo, Carpenter, Honeycutt, Lindbloom, Buck

WHEREAS, the Wastewater Advisory Committee (“Committee”) adopted its original by-laws April 20, 2004 and subsequently amended them on April 19, 2005 and August 16, 2005;

WHEREAS, the Committee wishes to amend its by-laws to provide greater clarity for the individual Committee members as well as members of the public as to the goals and objectives of the Committee as well as its operational standards and conduct for hearings; and

WHEREAS, the Committee duly and properly noticed the proposed amendments on its June 7, 2011 agenda, held a public hearing on the proposed amendments and received and considered all comments thereon.

NOW, THEREFORE, BE IT RESOLVED by the Placer County Wastewater Advisory Committee that it hereby adopts the attached by-laws, as amended.