

## Legislation Text

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**File #:** 15-3908, **Version:** 1

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### **POTENTIAL THREE RIVERS REGIONAL WASTEWATER AUTHORITY GOVERNANCE CHANGE**

#### **COUNCIL INITIATIVES ADDRESSED:**

Provide sustainable water quality & environmental infrastructure

#### **CITY ATTORNEY REVIEW: N/A**

#### **SUMMARY STATEMENT:**

In 1972, the City of Longview, Cowlitz County, City of Kelso, and Beacon Hill Water and Sewer District, entered into a contract to provide regional sewer treatment services, and created the Cowlitz Sewer Operating Board to manage the treatment operations. Since 1972, the contract has been amended a number of times and the name was changed to the Three Rivers Regional Wastewater Authority (TRRWA). The TRRWA currently operates under the authority of the 2005 Revised and Restated Interlocal Agreement Among City of Kelso, City of Longview, Beacon Hill Sewer District, and Cowlitz County For Wastewater Treatment & Disposal.

The TRRWA has historically operated as an independent entity and governing board, although there have been constraints on its ability to issue debt and its purchasing authority. Recently, the governance structure, legal authority, and independence of the TRRWA have been questioned. Because the TRRWA was created by interlocal agreement under RCW Chapter 39.34, opinions have been expressed that the TRRWA is not a municipality or corporation of the state, and must be considered to be a department of Cowlitz County. If the TRRWA is not independent and is instead a part of Cowlitz County, a number of issues are raised that seriously complicate TRRWA operations.

Similar issues arose previously for other joint operating agencies formed by interlocal agreement, and in 2011, the state legislature created RCW Chapter 39.106 authorizing a new type of governmental municipal corporation known as a joint municipal utility services authority. RCW Chapter 39.106 allows municipalities and districts to create wholesale utility service providers that are legally separate from each of the member entities.

After considering the issues and options regarding the status of the TRRWA, the TRRWA board decided to begin the process to convert the TRRWA to a joint municipal utility services authority. Information will be provided during the workshop regarding some of the issues and the process to form an authority under RCW Chapter 39.106.

#### **RECOMMENDED ACTION:**

Information and discussion only.