



BEAR CREEK WATERSHED ASSOCIATION

Association By-laws

Article I. Definitions

As used in the bylaws, the following terms shall have the meaning hereinafter presented:

- a. Association - The *Bear Creek Watershed Association* consists of 25 membership entities and a maximum of 12 designated participants. The Association Board shall review and approve a list of membership entities and designated participants in January of each year or as approved by the Board. The Association is a designated Management Agency as defined by the Denver Regional Council of Governments.
- b. Association Contributions - Membership entities are responsible for financially supporting the Bear Creek Watershed management program and water quality monitoring program. Participants provide financial contributions and/or in-kind services as deemed appropriate by the Association.
- c. Association Officers – The Association will have two annual co-chairs and a minimum of four approved financial officers. For purposes of a quorum, the Association will accept a past co-chair as a temporary officer.
- d. Bear Creek Watershed Control Regulation - The Association is responsible for implementing requirements of the *Bear Creek Control Regulation #74* as adopted by the Colorado Water Quality Control Commission.
- e. Bear Creek Watershed - The watershed boundary is designated in the *Bear Creek Control Regulation*. The watershed includes all tributary drainage to Bear Creek Reservoir from Clear Creek, Jefferson and Park counties. Boundary changes to the watershed approved by the Association Board.
- f. Majority Vote - A majority vote is 50 percent +1 of the meeting participants once a quorum is established.
- g. Membership Entities - All designated representatives and/or alternatives from a general-purpose government, special district and all other National Permit

Discharge Elimination System (NPDES) permittees (Operational Agencies) as designated by the Colorado Department of Public Health and Environment in the Bear Creek Watershed.

- h. Participants - Entities, other than membership entities, that demonstrate vested interest and support for the Bear Creek Watershed management program as designated by the Association Board. A participant representative can represent each of the six major sub-watershed areas within the Bear Creek Watershed.
- i. Operational Agency Responsibilities - Implement federal and state requirements, as appropriate, including discharge limitations, operation and maintenance procedures, user charges, industrial cost recovery, industrial pretreatment, within its permitted wastewater service area. Operate and manage wastewater treatment works and related facilities within its service area. Design and construct new wastewater treatment facilities within its service area. Accept and utilize financial assistance for wastewater treatment works within its service area. Raise revenues and incur indebtedness as provided by statute. Provide information affecting its service area relative to the extension of water and wastewater transmission lines and the addition of new areas within the boundary of the operating agency. Maintain a wastewater management plan.
- j. Quorum - A quorum at Association meeting is thirty-three percent of the Association with 50 percent of those representatives present being membership entities. The Association maintains a list of active, intermediate and not active members. The not active membership shall not count toward establishing a quorum. The Association will annually review membership status.
- k. Weighted Vote - Membership entities will be counted, including absentee or proxy voting, using a weighted vote at Bear Creek Watershed Association meetings of two for each representative or alternate on matters specifically related to management agency, operating agency or general-purpose government responsibilities.

Article II. The Bear Creek Watershed Association

The Bear Creek Watershed Association is responsible under the *Bear Creek Control Regulation* for implementation of the Bear Creek management plan. The Bear Creek Watershed Association is the designated management agency under the provisions of the Denver Regional Council of Government's *Metro Vision 2020 Clean Water Plan*.

The Bear Creek Watershed Association has the power under Colorado law to develop, recommend and adopt provisions for water quality management within the Bear Creek Watershed consistent with the Denver Regional Council of Government's *Metro Vision*

2020 Clean Water Plan and the *Bear Creek Control Regulation*.. The Bear Creek Watershed Association provides an integrated, holistic water quality management and implementation program to protect or attain established beneficial uses of waters within the Bear Creek Watershed.

Article III. Association Authorities

The Association has, but not limited to, the following authorities:

- a. Amend the bylaws by a majority vote of the membership entities.
- b. Adopt or revise an annual dues, budget, policies, administrative management and environmental monitoring programs, including all required annual reports for the Association by majority vote.
- c. Contract for administrative and monitoring services to maintain the Association program consistent with required provisions in the Control Regulation and as recommended in the Denver Regional Council of Government's *Metro Vision 2020 Clean Water Plan*.
- d. Appoint Association officers by majority vote at the first meeting of each year to serve for a minimum term of one-year.
- e. Recognize one vote on each issue from a designated representative or alternates from each membership entity and participant, except when a weighted voted is necessary.
- f. Maintain an Association bank account. Place all funds under the care of a designated representative or to create separate accounts at financial institutions selected by the Association. All funds shall be subject to annual audit by either the Association or dually designated representative.
- g. Raise revenues and incur indebtedness. Expend funds in accordance with the annual budget as adopted by the Association or amended by the Association. The Association prior to payment shall approve such expenditures.
- h. Prepare and maintain a file of minutes and meeting summaries, and all other Association required documents of the Association meetings.
- i. Enter and execute contracts, accept and utilize financial assistance, raise revenues and incur indebtedness by majority vote of the Association.

Article IV. Association Meetings

- a. Meetings held monthly, but no less than at least once quarterly.
- b. An agenda shall be distributed electronically (e-mail) by a designated Association Manager in advance of all meetings. Special meeting notification made by e-mail with approval of an Association Officer.
- c. An Association Officer shall preside at the Association meetings. The Association officer shall declare a quorum to hold an official meeting of the Association. The Association manager is responsible for advising the Association officer if a quorum is met
- d. Absentee or proxy voting allowed, provided it is not used to establish a quorum. Absentee or proxy vote must be declared to an Association Officer prior to discussion of an agenda topic.
- e. Public comments allowed at the beginning of each meeting with a time limit of five minutes per speaker on topics of concern not included on the agenda.
- f. Association Manager maintains a list of membership entities and association members.
- g. The Association will maintain a website for accessing information about the program as approved by the Association. The website will provide information presented at Association meetings.