Gallatin County Planning Board
Infrastructure Committee
Water and Wastewater Subcommittee
Record of Meeting: July 13, 2009

Members present: C.B. Dormire (Subcommittee Chair), Gail Richardson, Kerry White; Sean O'Callaghan, County Planning Department. Guests: Terry Threlkeld

1. **Call to Order:** 4:00 p.m.

2. **Approval of June 22, 2009 Minutes:** No modifications to the minutes were suggested by the Committee.

3. **Discussion of Legal Matters Relevant to Subcommittee Task:**

   - 7-13-22 & 7-13-23 M.C.A.: County Water and Sewer Districts have adequate authority to collect, treat, and dispose of wastewater, but other powers are less clear (i.e. eminent domain). The County has and continues to encourage the creation of water and/or sewer districts to provide services. The County has a role in the formation and dissolution of these districts, but otherwise the County's role is less clear – appointment of a director to the board for the district. Terry mentioned the idea that these districts are supposed to operate and function as independent entities.

   - 75-6-3 M.C.A.: This law deals with regional (multi-jurisdictional) wastewater authority. Statute is designed to allow flexibility in makeup to arrange for joint benefit and equitable control. CB questions whether water and sewer districts are considered public agencies. Terry and Kerry talked about an example in Roberts or Bridger where a county may have owned and operated sewer infrastructure. Terry volunteered to do a little research regarding that example.

   CB is going to make an attempt to draft a summary of what the Committee discussed concerning legal matters.

4. **Member Reports:**

   CB questioned whether or not the RFP had actually been published? Terry Threlkeld confirmed that he saw it in the paper. CB asked to obtain a copy of the affidavit of publication for the Committee's records. Kerry asked when the responses were due. Terry mentioned he thought they were due July 28.

   CB asked if Kerry had received any news on the budget. Kerry gave a brief recap of the budget situation.

   Terry described the negotiation process that takes place as part of the RFP and proposal process, where the most qualified firm is picked first and then the contract is negotiated. Terry asked the Committee to clarify what they wanted in hand when the study is done and how they plan to use it when the work under the RFP is complete.

Terry asked if the RFP was intended to be another intermediate step, or if the County was looking to acquire land for wastewater treatment, or if the was County looking to become a wastewater provider?

Kerry referenced #C on page 4 of the RFP – identification of suitable areas for infiltration and right-of-way requirements. Kerry also mentioned interconnectivity and coordination between the County and municipalities.

CB reminded Terry that the Committee gets its charge from the Commission. Generally the Commission wanted the Committee to look at what is being done now with wastewater, what the County's role is, and what may be appropriate to add or modify in this process. The consequences of this study may not be determined yet, because the conclusions of the study are unknown.

Gail emphasized the portion of the RFP that explores technology and what may be appropriate for application here. Terry mentioned the use of project-specific package plants that have sprung up in the County over recent years.

Sean mentioned that he had talked to Stephanie Nelson and there was interest in getting the Committee together with the Board of Health Committee. Sean asked the Committee to provide him with some potential meeting dates. CB said he would follow up with Stephanie.

5. **Next meeting Date and Agenda:**

CB asked what the Committee might do next? He questioned whether the Committee should take a breather until the LWQD report is finished or perhaps resume inviting people to talk to the Committee. He also mentioned that the Committee may get caught up reviewing proposals for the RFP.

Kerry would like to have someone talk to the Committee about potential funding mechanisms. CB said he was going to visit with the Conservation District on that subject and suggested Kerry might visit with Larry Watson.

CB suggested cancelling the July 27, 2009 meeting, but said he would confirm that within a week or so.

Gail asked Terry if he thought it was important to have a non-competing engineer on the selection committee. Terry said that wasn't a bad idea, but said it usually doesn't happen that way.

Kerry will confirm whether the proposals will be opened by PB or CC on July 28th

6. **Other Business:** None discussed.

7. **Adjourn**: 5:25 p.m.

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