



Working together, restoring the river

ASSEMBLY OF ROUGE COMMUNITIES

Full Assembly Meeting
 Tuesday February 22, 2005
 1:30 – 4:00 p.m.
 Canton Township
 Summit on the Park - PDC
 4600 Summit Parkway

DRAFT AGENDA

Allen Park
 Auburn Hills
 Beverly Hills
 Bingham Farms
 Birmingham
 Bloomfield Hills
 Bloomfield Twp.
 Canton Twp.
 Commerce Twp.
 Dearborn
 Dearborn Heights
 Farmington
 Farmington Hills
 Franklin
 Garden City
 Inkster
 Lathrup Village
 Livonia
 Melvindale
 Northville
 Northville Twp.
 Novi
 Oakland County
 Plymouth
 Plymouth Twp.
 Pontiac
 Redford Twp.
 Rochester Hills
 Romulus
 Southfield
 Superior Twp.
 Troy
 Van Buren Twp.
 Walled Lake
 Washtenaw County
 Wayne
 Wayne County
 West Bloomfield Twp.
 Westland
 Wixom
 Ypsilanti Twp.

1. **Welcome – Robert Beckley, ARC Chair**
 - a. Roll Call /Determination of Quorum
 - b. Approval of November 17, 2004, Assembly Meeting Minutes
 - c. Additions or changes to the Draft Meeting Agenda
 - d. Chair's Report
 - i. Formation of Ad Hoc Transition Committee
 - ii. Ceremonial Signing of Watershed Alliance Law
 - iii. Recognition of Outgoing Officers
 - iv. Resignation of Gary Mekjian and appointment of Nominating Committee to fill vacant officer position

2. **Recommendations of Nominating Committee -Tom Biasell (Farmington Hills)**
 - a. Additional Nominations from Assembly Members
 - b. Vote on Vice Chair of Assembly **Action**

3. **Treasurer's Report – Kurt Giberson (Dearborn) Rouge Assembly Treasurer**
 - a. Review of 2005 Budget Status **Information**
 - b. Questions for Treasurer/Finance Committee

4. **Standing Committee Reports**
 - a. Status Committee Chairs for Technical, and PIE Committees (Beckley)
 - i. Interim Committee Chairs
 - ii. Process for Selection
 - b. Solicitation of Members for Organization/Membership Committee (Approval of full Assembly needed for membership)
 - i. Nomination and approval of new members **Action**
 - c. Updates from Standing Committees **Information**
 - i. PIE (Vice Chair Jennifer Lawson, Troy)
 - ii. Technical (Vice Chair Gary Zorza, Farmington Hills)
 - iii. Organization/Membership (Co-Chairs Kurt Heise, WCDOE/Dave Payne, Bloomfield Twp.)

5. Executive Committee Report on Alliance of Rouge Communities

(Robert Beckley)

- a. Proposed Transition Schedule **Information/Action**
 - i. February Assembly Meeting – Review, comment on, and revise draft bylaws -- provide revised bylaws to eligible members for 30 day comment period
 - ii. Depending on comments received, have Ad Hoc Transition Committee revise bylaws or reconvene full Assembly to consider revisions
 - iii. April 10, 2005, send final Alliance bylaws to eligible members for adoption
 - iv. Once adopted by at least twenty eligible primary members, call first meeting of Alliance
- b. Discussion of Bylaws **Information/Action**
 - i. Proposed amendments/revised schedule
 - ii. Comments by non-Assembly eligible members
 - iii. Consensus for moving forward with Alliance
- c. Consensus to Proceed with Transition **Action**
 - i. Affirm that Assembly MOA, 2005 adopted budget, officers, and policies remain in effect until Alliance is formed
 - ii. Support for sending invoices to Assembly members based upon 2005 budget adopted

6. Executive Committee Recommendation for Resolution **Action**

- a. Resolution Encouraging Businesses to Support Friends of the Rouge

7. Other Issues/Items of New Business from Members

- a. Other Issues/Reports/Information

8. Opportunity for Comments by the Public

9. Meeting Schedule

10. Adjourn

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ROUGE RIVER ASSEMBLY OF LOCAL GOVERNMENTS (ASSEMBLY) TRANSITION TO THE ALLIANCE OF ROUGE COMMUNITIES (ARC)

PREAMBLE

The Rouge River watershed, located in southeast Michigan, runs through the most densely populated and urbanized land area in the state. The watershed is approximately 438 square miles in size and includes all or part of 48 municipalities in three counties, with a population of over 1.4 million. The industrial growth of the lower Rouge River in the first half of the twentieth century and the rapid residential and commercial growth in the last half of the century in the upper portions of the watershed created serious pollution problems. Despite pollution control efforts as early as the 1940s, when the Detroit wastewater treatment facility was built to serve southeast Michigan including many of the Rouge River watershed communities, pollution problems have increased in the river. It has only been in the last decade that significant restoration of water quality has begun to be documented as a result of over one billion dollars of investments by area residents for pollution control.

In 1985, at the urging of local citizens and organizations the State of Michigan adopted the Rouge River Basin Strategy. In 1987, the International Joint Commission designated the Rouge River as one of the 43 most polluted areas in the Great Lakes. In 1989, the original Rouge River Remedial Action Plan (RAP) was completed and endorsed by a majority of the watershed communities. This original RAP called for an ambitious twenty-year plan to address pollution problems. The progress in achieving restoration has been documented in Rouge River RAP 2004 Revision (Available at <http://www.rougeriver.com/geninfo/remaction.html>) In the early 1990s, the United States District Court, at the urging of local communities, facilitated a phased process for correcting combined sewer overflows (CSOs) affecting the river. In 1992, with the bipartisan assistance of the Michigan congressional delegation representing the watershed, Wayne County received the first U.S. Environmental Protection Agency grant for the Rouge River National Wet Weather Demonstration Project (Rouge Project).

The U.S. District Court, as part of its oversight responsibilities for pollution control on the Detroit River stemming from a court case filed in the 1970's and its role in facilitating the CSO resolution (i.e., the "Bulkley Settlement"), has maintained a continuing interest in the results of the Rouge Project. In the mid-1990s, the U.S. District Court strongly urged the 48 local public agencies within the Rouge River watershed to adopt a more comprehensive approach to control pollution from sources other than CSOs. The U.S. District Court proposed a watershed-wide authority under the Michigan Drain Code to manage water issues within the Rouge River watershed. At the same time, the U.S. EPA was required by a Federal Court consent judgment to adopt regulations to control storm water discharges under the Federal Clean Water Act.

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As an alternative to the Drain Code authority proposed by the U.S. District Court, and to comply with the pending U.S. EPA storm water regulations, a group of local agencies and communities within the Rouge River watershed proposed a watershed-based approach to the control of pollution sources related to storm water discharges. In 1997, the MDEQ adopted this unique watershed approach developed by local agencies under the Rouge Project. Subsequently, 44 public agencies with storm water responsibilities within the Rouge River watershed entered into this voluntary general storm water permit which was later endorsed by the United States Environmental Protection Agency (U.S. EPA) as meeting Phase II federal storm water discharge regulation requirements that became mandatory for urbanized communities in 2003.

The watershed-based storm water permit approach, developed with assistance from the Rouge Project, has become a national model. There are now seven cooperatively developed subwatershed water management plans in place for the Rouge River. Each local agency has prepared and submitted a Storm Water Pollution Prevention Initiative Plan (SWPPI) to the MDEQ that identifies their commitments to implement their part of each of the plans. However, the federal funds from the Rouge Project that initially provided the basic monetary support for this joint effort were being substantially reduced and alternative means to continue this cooperative effort was needed as the federal funding was being phased down.

As an interim arrangement in 2003, 38 cities, townships and villages and 3 counties within the Rouge River watershed formed a partnership to address their storm water permit requirements. After successfully operating since August of 2003 under a Memorandum of Agreement establishing the Rouge River Watershed Assembly of Local Governments (hereinafter, Assembly), the Rouge River watershed communities supported the passage of state legislation that would authorize local governments to form watershed alliances. That legislation, Public Act 517 of the Public Laws of 2004,(herein after Watershed Alliance legislation), was signed by the governor on January 3, 2005 with immediate effect. The following outlines the process for transitioning from the informal Assembly to the adoption of the required bylaws to form the new Alliance of Rouge Communities (hereinafter ARC) under this new state law.

Transition from Assembly to ARC

Thirty-eight cities, villages and townships and three counties signed an August 15, 2003, Memorandum of Agreement (Herein after, MOA) establishing the Rouge River Watershed Assembly of Local Governments (Herein after, Assembly) The 2005 Budget, the officers, policies, procedures and assessments to members adopted under the August 15, 2003 MOA will remain in effect until the formal establishment of the ARC under the proposed attached Bylaws. The Officers elected for the 2005 calendar year under the August 15, 2003, MOA shall notice all eligible members of an organizational meeting that shall occur no later than March 1, 2005. At this first meeting, the signatories to the August 15, 2003, MOA will determine if there is sufficient interest in forming a permanent organization under the Watershed Alliance legislation. If the representatives of the signatories to the August 15, 2003 MOA present at the meeting

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determine that there is sufficient interest in forming a Watershed Alliance, they shall affirm or modify the following Bylaws, and affirm or modify the 2005 Assembly officers elected, the Assembly budget and the assessment to Assembly members previously approved under the provisions of the August 15, 2003 MOA in order to initiate the formation of the ARC

Establishing Alliance of Rouge Communities (ARC)

The formal ARC shall be established following the adoption of the attached Bylaws by the governing bodies of at least twenty (20) of the eligible cities, villages, townships or counties. A certified resolution of the governing body of the prospective member approving membership under the Bylaws, or the payment of the 2005 assessment will be used to establish those communities with voting privileges for actions taken by the ARC prior to September 30, 2005. After September 30, 2005, a certified resolution accepting membership by the appropriate governing body, designation of voting and alternate members, and payment of any assessment shall be required for continuing membership and the exercise of voting privileges. Once the ARC is established, the Rouge River Assembly of Local Governments (Assembly) established under the August 15, 2003, MOA shall be dissolved, and all its responsibilities including its oversight in the expenditure of assessments provided by Assembly members shall be transferred to the ARC.

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BYLAWS ALLIANCE OF ROUGE COMMUNITIES

*Adopted pursuant to
Part 312, Watershed Alliances,
Michigan Natural Resources And Environmental Protection Act
As amended by Public Act 517 of 2004*

I. PURPOSE

It is the purpose of these Bylaws to set forth the composition, duties, and responsibilities of the watershed Alliance of Rouge Communities (hereinafter the ARC) formed under the provisions of Part 312 Watershed Alliances, Natural Resources and Environmental Protection Act as amended by Public Act 517, 2004. Local public agencies and communities within the Rouge River watershed believe there are substantial benefits that can be derived under this Watershed Alliance through cooperative management of the Rouge River and in providing mutual assistance in meeting state water discharge permit requirements to the Rouge River. The Appendices attached and referred to in these Bylaws are provided for informational purposes only and are not a part of the Bylaws. The Appendices will be periodically updated to reflect the actual boundaries of the ARC based upon number of eligible public entities who formally accept membership, as well as the annual budget, allocation of assessments, and voting shares in subsequent years.

II. Description, Structure, Decision Making and Operations of ARC

A. Geographic Boundaries

The proposed geographic boundary encompasses the land area within the Rouge River watershed located in portions of Wayne, Oakland and Washtenaw counties in southeastern Michigan shown in the informational map attached as Appendix A to these Bylaws. Under state law the boundaries of the ARC are limited to the jurisdictional boundaries of its members. Appendix A will be updated periodically to show the jurisdictional boundaries of those cities, townships, and villages that have adopted the Bylaws and formally accepted membership. In the event that some eligible Rouge River watershed communities (cities, townships, or villages) do not become members, county members may: 1) include all of their county political boundary within the Rouge River watershed where they intend to exercise their independent water management responsibilities; or 2) include only that portion of the county within the Rouge River watershed where communities have accepted membership in the ARC.

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B. Membership of the ARC

1. *Membership*

a. Primary Members

The Primary Members of the ARC shall consist of a representative, or designated alternate of each township, city, village and county (or county agency) whose legal jurisdiction incorporates areas wholly or partially within geographic boundaries identified in Appendix A and whose governing body by resolution, voluntarily adopts these Bylaws. The eligible Primary Members are listed in Appendix B.

b. Associate Members

The Associate Members of the ARC shall consist of a representative, or designated alternate of a public school district, public college or university, or any other local or regional public agency that has been issued a state permit for a water discharge into the Rouge River and whose governing body by resolution, voluntarily adopts these Bylaws.

2. *Cooperating Partners*

The ARC encourages the involvement of non-profit organizations, other public agencies or entities, businesses, and residents who share a common interest in protection and restoration of the Rouge River. Those who provide their time, services, expertise or other resources toward the common goal of protection and restoration of the river will be recognized as non-voting, *Cooperating Partners*.

C. Structure of the ARC

1. *Election of Officers*

The ARC shall elect for a two-year term, from among its members, a Chair, Vice-Chair and Treasurer. The three ARC officers shall be limited to an elected or appointed official, or employee of a *Primary Member* of the ARC as defined in these Bylaws. Officers shall be elected to two year terms at a regularly scheduled ARC meeting through a formal action as described under paragraph IID of these Bylaws. The Chair, Vice Chair and Treasurer of the Assembly shall serve until replaced by a majority vote of the members. The elected Vice Chair, or the elected Treasurer in the event the Vice Chair is unavailable, shall assume the duties of the Chair if the Chair is unavailable.

2. *Executive Committee*

The ARC Executive Committee shall have 14 voting members consisting of

- (3) The elected Chair, Vice-Chair, Treasurer of the ARC,
- (3) One representative or alternate from each member county,
- (7) One representative or alternate from each of the seven Subwatershed Advisory Groups, herein after SWAGS, established under the state watershed-based general storm water permit as implemented by communities within the Rouge River watershed, and

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- (1) The immediate past Chair, past Vice Chair, or past Treasurer of the ARC shall serve as a member or alternate member with preference given first to the past Chair, then the past Vice Chair, and then the past Treasurer.

The meetings of the Executive Committee shall be chaired by one of the three elected officers. The elected Chair of the ARC shall chair the Executive Committee, with the responsibility succeeding to the elected Vice Chair if the elected Chair is unavailable. If neither the elected Chair nor the elected Vice Chair is present at an Executive Committee meeting, the elected Treasurer shall serve as chair for the meeting. The elected officers of the ARC shall not have alternates serve or vote on their behalf on the Executive Committee.

The three counties and the seven SWAGs shall appoint their respective representatives and alternates to the Executive Committee. Representatives and alternates serving on the Executive Committee, including those appointed by a SWAG, shall be limited to those individuals representing a member public agency that adopted these Bylaws and has paid its membership assessment. In an effort to assure the broadest participation by ARC members, a SWAG appointment to the Executive Committee shall be neither a county representative nor a representative from the same city, township or village as those represented by the three officers elected by the ARC. Every reasonable effort will be made to assure that no one community has more than one representative on the Executive Committee.

The Executive Committee will seek consensus on all issues brought before it. In the absence of consensus, the Executive Committee will adopt motions only when a majority of its members (8) vote in favor of a motion. Each member will have one vote including the elected officers of the ARC. A county or SWAG may designate an alternate to serve and vote on behalf of their appointed representative to the Executive Committee.

3. Meetings

The ARC shall meet at least twice each calendar year at a designated time and location established by its Executive Committee. Agendas for ARC meetings will be distributed and circulated to all members at least two weeks in advance of all meetings. All official actions of the ARC including the election of officers, adoption of budgets, assessment of costs to members, and all other matters not otherwise specifically delegated to the elected officers, committees or executive director shall be by the full ARC at a regular meeting consistent with the voting procedures in paragraph II D of these Bylaws. The ARC Executive Committee will meet at least four times each year at the call of the Chair. All meetings of the ARC Executive Committee, standing committees or special committees established under the ARC shall operate under the Robert's Rules of Order unless modified by a majority vote of the ARC members. The meetings of the ARC shall be rotated to locations throughout the Rouge River watershed allowing any member community or agency to host a meeting.

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D. ARC Decision Making

The ARC shall take all formal actions by a simple majority vote of all eligible *Primary* and *Associate Members* at a meeting at which a quorum is present. A quorum shall consist of one more than fifty percent (50%) of all members, eligible to vote and present. Voting shall be limited to members or their designated alternates who are physically present at an ARC meeting. Eligible members are those appointed by an appropriate governing authority that has adopted these Bylaws by resolution and that has paid its assessment. Provided, however, any eligible *Primary Member* may request that formal actions on a specific action item be subject to a voting of shares, and, if supported by at least four other *Primary Members*, the formal decision of the ARC will be based on voting shares. The elected officers may not vote on any issue before the ARC unless they are also serving as the designated ARC representative of their respective public agency. If a voting of shares is requested and supported by a total of five members, adoption of formal actions shall require a simple majority of the voting shares of a quorum based upon the following allocation:

1. *Primary Members*

The voting shares for city, township and village members shall be based upon the financial contribution of each based upon the approved ARC annual budget and assessment of costs to members. The specific voting shares will be proportional to the annual assessments to each city, township and village as determined under paragraph III A of these Bylaws with one voting share based upon the annual assessment for each divided by \$750 rounded to the nearest whole number. If an assessment is less than \$750, one voting share shall be provided.

The voting shares of each the three counties and county agencies combined shall be limited to twelve percent (12%) of total voting shares and the allocation of voting shares between the three counties shall be determined by the proportional amount of land in each county within the Rouge River watershed. For the purposes of these Bylaws, counties are defined as the appointed/elected Road Commission, the elected County Drain Commissioner, the elected County Executive, or the elected County Commission. Provided, however, only one member or designated alternative shall represent each county.

2. *Associate Members*

The specific voting shares will be proportional to the annual assessments to each with one voting share based upon the annual assessment for each divided by \$750 rounded to the nearest whole number. If an assessment is less than \$750, one voting share shall be provided.

3. *Cooperating Partners*

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Cooperating Partners shall not have voting privileges, but shall be invited to participate in meetings of standing committees and noticed of all meetings of the ARC and its Executive Committee.

E. ARC Duties

1. *Budget and Assessments*

After the first year, the ARC shall adopt an annual, fiscal year budget for the period from January 1 through December 31 on or before December 15, of each year for the following calendar year. In the first year, the 2005 fiscal year budget of the ARC is attached as Appendix C along with the assessment to members as Appendix B to these Bylaws. Assessments for members will be set at the time each budget is adopted. Modifications to the budget may be adopted at any regularly scheduled ARC meeting, provided however, that assessments, once established for any member, shall not be increased during the calendar year for which they were established. Notwithstanding this provision restricting mid-year changes in assessments, members may voluntarily agree to increase their payments for special services provided by the ARC.

2. *Standing Committees*

The ARC shall establish and outline a purpose for three standing committees on technical issues (Technical Committee), financial management (Finance Committee), and public involvement and education (PIE Committee). The Treasurer shall chair the Finance Committee, and the officers shall appoint the chairs of the Technical and PIE committees from members of the Executive Committee. The standing committee chairs may appoint vice chairs of their respective committees provided such vice chairs represent members. Any member, designated alternate or other representative of a member may serve on any standing committee. Cooperating partners, or other members of the public may be invited to participate in a standing committee, but all official actions of a standing committee shall be limited to participation by those on the committee representing ARC members.

3. From time to time, the ARC may choose to establish special committees to consider specific issues or questions. The Chair or Co-Chairs of any special committee established shall be appointed by the ARC, or, by delegation of the ARC, by the Chair. . The special committee Chair(s) and Co-Chair(s) appointed shall represent members of the ARC.

4. *Bylaws/Membership Committee*

The ARC shall establish a committee (Bylaws/Membership Committee) to consider changes to its Bylaws and new members, and to make

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recommendations to the ARC. The ARC shall appoint members and the Chair or Co-chairs of the Bylaws/Membership Committee that reflect the broad diversity of the ARC membership with respect to geographic location, land area and population within the watershed, and type of public agency.

-5. *Other Duties*

The ARC shall

- Maintain official written record of meetings that includes attendance, issues discussed, and official actions taken.
- Recommend to members any subsequent changes needed to these Bylaws.
- Take other actions required, including delegation of responsibilities to the elected Chair or Executive Committee to carry out the purposes and conduct the business of the ARC including, but not limited to, directing the activities of any committees established under the Bylaws.
- Encourage and promote public involvement in actions and activities of the ARC and of committees established by the ARC, and assure compliance with Open Meetings and Freedom of Information state statutory requirements.
- Develop policies and procedures related to official actions of the ARC, including but not limited to contracting for services, disbursement of funds, and related fiduciary responsibilities.
- Prepare an annual report on the goals and accomplishments of the ARC together with a comprehensive audit report on the expenditures and revenues.

F. ARC Executive Committee

The Executive Committee shall

- With the advice of the standing committees, provide oversight of the expenditure of ARC monies consistent with the approved annual budget by reviewing quarterly financial status reports prepared by the Finance Committee
- Take those steps required to acquire the services an ARC Executive Director, make provisions for other ARC support services consistent with the annual budget and the Bylaws. Provide fiduciary services for the ARC including preparation of financial reports required by state law.
- Provide a forum for discussion and, if appropriate, make recommendations to resolve issues related to the management of the ARC brought to its attention by any member of the ARC.

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- Assist the standing committees, the Organization/Membership Committee and any other special committees of the ARC in meeting their respective responsibilities
- Maintain a written record of each Executive Committee meeting including, as a minimum, attendance, list of issues, and a record of decisions and recommendations
- Take other actions that are consistent with the provisions of these Bylaws and direction provided by the ARC

III ASSESSMENT OF COSTS TO MEMBERS

A. Primary Members

1. *City, Village and Township Members*

The assessments to cities, villages and townships will be determined by subtracting the amount of dollar contributions from the approved budget to be provided by counties, Associate Members, and from grants, money gifts, and other income including any balances from prior year ARC budgets. The amount remaining after subtracting these other sources of revenue will be prorated and assessed to each city, village and township primary members based upon equal weight to the population of the unit of government within the watershed according to the most recent United States census, and the land area within the watershed as shown as a part of Appendix B. Provided, however, that maximum assessment to any member shall be limited to no more than 15% of the total assessments for all other Primary Members in any fiscal year.

2. *County Members*

a). The ARC shall annually determine the assessment of costs to *primary member* counties (Wayne, Washtenaw and Oakland) on or before August 1 of each year for the following fiscal year that begins on January 1. The allocation of any assessments to the three counties shall be based upon the proportionate share of each county's land area within the Rouge River watershed.

b). The ARC may determine prior to August 1 in any given year that counties will not be assessed costs for membership. In the event that the ARC does assess costs to counties by August 1 for the following fiscal year, the assessment to any county may be reduced or eliminated based upon the contributions provided by that county to the ARC including free or reduced cost of services to assist members in meeting storm water NPDES permit requirements, providing fiduciary services for the ARC, and/or managing grants, contracts, activities or projects on behalf of the ARC. The maximum assessment total in any year to all member counties shall not exceed 12% of the combined total assessment for the fiscal same year for all other *Primary Members*. The 12% assessment limitation will be determined based upon the total amount assessed other primary

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members in the adopted annual ARC budget for a given fiscal year and not the subsequent actual assessments paid. In the event that the total assessments to counties determined on or before August of any given year for the following fiscal year exceeds 12% of the total for all other primary members subsequently approved in the ARC budget for the same fiscal year, the total amount assessed to the counties will be reduced such that the total does not exceed 12% of that assessed all other primary members.

B. Associate Members

The ARC shall assess *Associate Members* at the time they become a member based upon a dollar amount approved by the ARC and agreed upon by the *Associate Member*. The assessment shall reflect the ARC membership benefits provided each *Associate Member*, and any other contributions made by the *Associate Member* to the ARC. The annual assessment to an *Associate Member*, however, shall not be less than the lowest amount assessed any *Primary Member* or \$750 whichever is greater, nor more than \$30,000 or the highest amount assessed any *Primary Member* whichever is greater

C. Adjustment of Assessments

Once adopted as part of a given fiscal year budget, the annual assessments to primary members shall not be lowered based upon the addition of new members or any other additions to income not considered as part of the approved annual budget for that year. *Primary Members* joining after the adoption of the fiscal year budget shall be assessed as if they were members for the entire fiscal year using the same formula as was applied to other primary members.

IV. RESOLUTION

The eligible members adopting these Bylaws shall do so by the passage of a formal resolution an example of which is attached as Appendix E, and exercise of existing authority that includes the ability to commit to the annual payment of assessments for support of ARC as identified in the annual ARC budget. Once a resolution is passed and a certified copy forwarded to the ARC, the public entity will remain a member so long as its assessments are paid in a timely manner. A member may terminate its membership at any time; provided, however, there shall be no refund of any assessment already paid to the ARC. Services provided through the ARC and any grant funding it receives shall be, to the extent practical, limited to primary and Associate Members that have adopted the Bylaws and met their respective assessed financial obligations established consistent with the Bylaws

V. FIDUCIARY SERVICES

A. Interim Fiduciary Agreement

The Wayne County Department of Environment (hereinafter WCDOE) has agreed to provide fiduciary services for the collection and expenditure of member assessments

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paid for fiscal year 2005. Under the Fiduciary Agreement with Wayne County, the member assessments paid shall be used only for the services identified in the 2005 Budget attached as Appendix C. It is further understood under the terms of the Fiduciary Agreement with WCDOE that the assessments paid by members may be used to provide the required local match for grant dollars used to support the 2005 budget.

B. Expenditure Controls and Auditing

WCDOE has agreed to provide the Executive Committee full and complete access to records concerning the use of the funds collected from the members so that all expenditures of monies collected through assessments to members can be audited through a process determined to be appropriate by the Finance Committee. WCDOE has further agreed to provide a financial accounting of all funds collected and expended to the Finance Committee by April 1, 2006. The Finance Committee will provide oversight of all expenditures of member assessments and report the status of income and expenditures at each meeting of the Executive Committee. It is understood that the existing provider arrangements for some of the services identified the 2005 budget may be most efficiently and cost effectively managed in the transition period through the existing Rouge Project contracts administered by WCDOE, or by Wayne County staff currently assigned these responsibilities.

C. Long Term Fiduciary Services

Before December 1, 2005, the ARC will determine how fiduciary responsibilities will be managed beginning on January 1, 2006. It is envisioned that the ARC shall provide its own fiduciary services in the future either through its own staff or through contracted services.

VI Dissolution of the ARC

In the event that its members dissolve the ARC, any unused balances of membership assessments at the time of dissolution not needed to meet ARC obligations shall be redistributed back to the ARC members prorated on the basis of the total ARC assessment paid by each member during the immediately preceding fiscal year. Similarly, uncommitted balances from other sources of revenue (e.g. grants, gifts, contributions, etc) remaining at the time of dissolution of the ARC shall be returned to the original provider or, if directed by the provider, transferred to a 501c3 organization or public agency that is willing and able to expend the funds for the originally intended purposes.

VII Amendments to Bylaws

Any amendments proposed to these Bylaws shall be first reviewed by the Bylaws/Membership Committee who, after consideration of proposed amendments, shall make recommendations to the ARC. The ARC shall not take an action to formally recommend any changes to the Bylaws except at its annual meeting at which the

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budget for the next fiscal year is presented for approval. To be formally recommended any amendment(s) to the Bylaws shall be: 1) formally noticed to all members at least 30 days prior to the ARC meeting at which they are to be voted upon; and, 2) approved by at least two thirds of all members (or two thirds of all member shares if a voting of shares is requested). Any amendments formally recommended by the ARC shall be sent to all members along with their annual ARC assessment for review and approval by the members respective governing bodies as the basis for continuing membership. The members shall have five (5) months following the date of the ARC action formally recommending Bylaw amendment(s) to approve the amendment(s). The amended Bylaws shall become effective when at least half of the governing bodies of members approve the amended Bylaws within the specified time limitation.

INFORMATIONAL APPENDICES TO THE BYLAWS

Appendix A Proposed Geographic Boundaries of the Rouge River Watershed including the identification of the political boundaries of eligible primary members

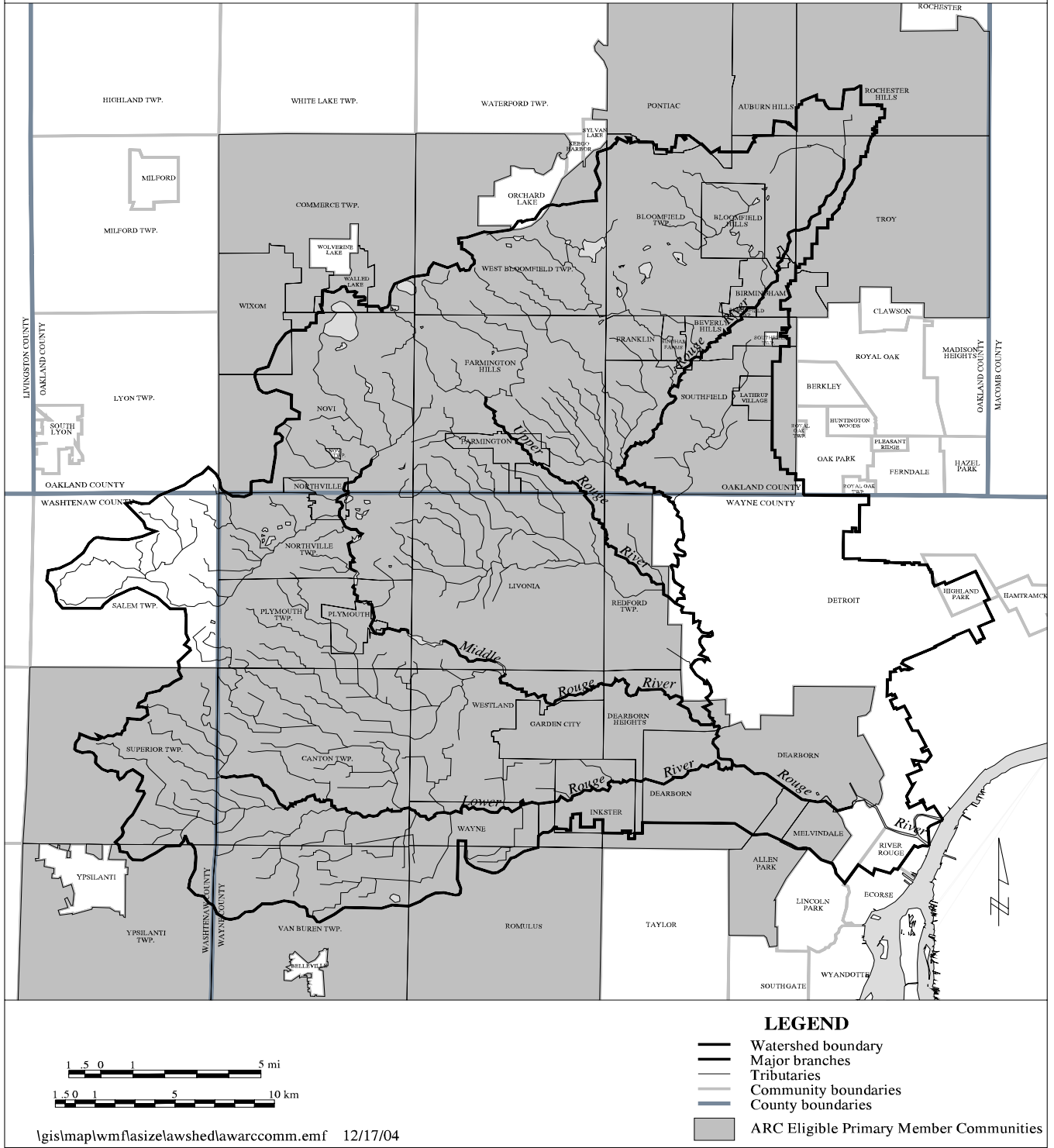
Appendix B Allocation of Costs and Voting Shares that includes: a list of eligible members that are currently members of the Assembly; their respective land area and 2000-census population within the Rouge River watershed, their proportional allocation of costs of for support of the 2005 ARC budget based upon equal weight given to land area and population within the watershed, and the voting shares of each. Eligible members that did not participate in the 2003 MOA are listed separately since they have not yet agreed to membership and were not considered in allocating the assessments and voting shares for 2005.

Appendix C 2005 ARC Budget that includes a list of storm water management services and costs, and sources of funding for calendar year 2005.

Appendix D Model Resolution adopting the Bylaws, accepting membership, and committing to payment of 2005 assessment.

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ROUGE RIVER WATERSHED ARC Eligible Primary Member Communities



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APPENDIX C
2005 Fiscal Year ARC Budget
(January 1, 2005 through December 31, 2005)

Alliance 2005 Budget Items	Recommended 2005 Budget	Source of Service
Staff Support for Alliance and SWAGs		
OC1 Administration Services (9 months)	\$ 62,000	To be hired by ARC
OC2 Staff Support (3 months)	\$ 18,000	RPO*
OC3 Subwatershed Advisory Group Facilitation	\$ 81,000	RPO*
<i>Staff Support Total</i>	<i>\$ 161,000</i>	
Public Involvement and Education		
PIE1 Public Education Committee Support	\$ 30,000	RPO*
PIE2 Assembly Newsletter	\$ 5,000	RPO*
PIE3 Coordination with SEMCOG	\$ 8,000	RPO or SEMCOG*
PIE4 Assembly PIE Subgrant	\$ 72,690	Variable
<i>Public Involvement and Education Total</i>	<i>\$ 115,690</i>	
Technical Support		
TC1 Baseline Sampling Program	\$ 314,000	RPO*
TC2 Rouge Data Dissemination	\$ 19,000	RPO*
TC3 Lab Services	\$ 12,000	Contracted Service*
TC5 Continuous Monitoring	\$ 136,840	USGS*
<i>Technical Support Total</i>	<i>\$ 481,840</i>	
Total Budget Approved	\$ 758,530	

* Firms or Agencies under contract with WCDOE

Required Change in Assessments Compared to 2004 **0%**

Source of funds (assumed) for 2005 budget:		
2005 Alliance Assessments (Based on 2004 Assembly Members)	\$	297,503.00
Matching Rouge Project Federal Funds	\$	297,503.00
Carryover Funds from 2004 Assembly Member Assessments	\$	163,524.00
Total Budget	\$	758,530.00

DRAFT January 26, 2005

Assembly of Rouge Communities Status Report
2004 Fiscal Year
Updated 2/9/2005

Community [10, 11]	Cost Allocation [7]	Voting Shares [8, 9]	Conditional Approvals Received	Final Approval Received	2004 Assessment Paid
Member Communities					
Allen Park	\$764	1	Yes	Yes	\$764
Auburn Hills	\$260	1	Yes	Yes	\$260
Beverly Hills	\$2,900	4	Yes	Yes	\$2,900
Bingham Farms	\$627	1	Yes	Yes	\$627
Birmingham	\$3,090	4	Yes		\$3,090
Bloomfield Hills	\$2,488	3	Yes		\$2,488
Bloomfield Twp.	\$16,144	22	Yes	Yes	\$16,144
Canton Twp.	\$25,697	34	Yes	Yes	\$25,697
Commerce Twp.	\$526	1		Yes	\$526
Dearborn	\$24,574	33	Yes	Yes	\$24,574
Dearborn Heights	\$9,052	12	Yes		\$9,052
Farmington	\$2,644	4	Yes		\$2,644
Farmington Hills	\$25,516	34	Yes	Yes	\$25,516
Franklin	\$1,462	2	Yes		\$1,462
Garden City	\$6,928	9	Yes	Yes	\$6,928
Inkster	\$6,573	9	Yes		\$6,573
Lathrup Village	\$1,235	2	Yes	Yes	\$1,235
Livonia	\$29,372	39			\$29,372
Melvindale	\$2,674	4	Yes	Yes	\$2,674
Northville	\$1,782	2	Yes		\$1,782
Northville Twp.	\$9,592	13	Yes	Yes	\$9,592
Novi	\$15,774	21	Yes	Yes	\$15,774
Oakland County	\$0	20	Yes	Yes	n/a
Plymouth	\$2,244	3	Yes		\$2,244
Plymouth Twp.	\$10,452	14	Yes	Yes	\$10,452
Pontiac	\$514	1	Yes	Yes	\$514
Redford Twp.	\$12,360	16	Yes	Yes	\$12,360
Rochester Hills	\$1,860	2	Yes	Yes	\$1,860
Romulus	\$2,087	3	Yes		\$2,087
Southfield	\$19,025	25	Yes		\$19,025
Superior Twp.	\$7,373	10	Yes	Yes	\$7,373
Troy	\$4,443	6	Yes		\$4,443
Van Buren Twp.	\$6,347	8	Yes	Yes	\$6,347
Walled Lake	\$746	1	Yes		\$746
Washtenaw County	\$0	3	Yes	Yes	n/a
Wayne	\$5,221	7	Yes	Yes	\$5,221
Wayne County	\$0	32	Yes	Yes	n/a
West Bloomfield Twp.	\$12,996	17	Yes	Yes	\$12,996
Westland	\$20,567	27	Yes		\$20,567
Wixom	\$532	1	Yes		\$532
Ypsilanti Twp.	\$1,063	1		Yes	\$1,063
Sub Totals	\$297,503	452	38	26	\$297,502
Potential Additional	\$316	1	4	16	\$317
Potential Total	\$297,819	453	42	42	\$297,819
Percent Confirmed	99.9%	99.8%	90.5%	61.9%	99.9%

Status of Remaining Eligible Members

	Cost Allocation	Voting Shares	
Lyon Twp.	\$316	1	Unknown
Salem Twp.	0	0	
Subtotal Remaining Eligible Mem.	\$316	1	

Notes:

[7] Assessment to each community for \$300,000 total Assembly budget; allocation based upon equal weight given to population and land area within Rouge Watershed. Note: Potential Total above does not include Salem Township.

[8] Number of Voting Shares Based Upon Assessment Divided by \$750 and Rounded to the Nearest Whole Number

[9] County Voting Shares 12% of Total Shares Divided Between Counties Based Upon Equal Weight to Land Area and Population in Watershed

[10] Eligible communities have a COC for the Watershed-Based Storm Water Permit. Rouge communities who do not have a COC at this time include: Detroit, Ecorse, Highland Park, Oak Park, Orchard Lake, and River Rouge.

[11] The basis for the shares and assessment calculated for Bloomfield Hills and Rochester Hills were consistent with the formula applied to other communities as stipulated in the MOA.

Other Items that Affect 2004 Dues

	Cost Allocation		Balance to Date
2003 Unused Dues	\$137,124		\$137,124
Embassy Suites - Southfield	(\$1,639)	Food for Elected Official Function	(\$1,639)
Private Donations	\$2,800		\$2,800
Other Items Total	\$138,285		\$138,285

Total (Assessment and Other Items)	\$435,788		\$435,788
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Assembly of Rouge Communities Status Report
2004 Financial Status Report
Updated 2/9/2005

Activity	Budget*	Paid to Date	Remaining Balance**
Monitoring Program			
- Sampling and Data Processing (RPO)	\$342,886	\$299,982	\$42,904
- Continuous Monitoring (USGS)	\$131,480	\$106,590	\$24,890
- Lab Services for SWPPI Monitoring	\$12,100	\$11,991	\$109
Subwatershed Advisory Group Facilitation (RPO)	\$91,000	\$74,257	\$16,743
Public Education/Involvement Activities			
- ARC PIE Committee Support (RPO)	\$30,000	\$27,135	\$2,865
- Public Participation Survey (SEMCOG)	\$11,000	\$9,000	\$2,000
- PI Packets (RPO)	\$1,500	\$1,623	-\$123
- Newsletter (RPO)	\$5,000	\$3,365	\$1,635
Staff Support to Assembly (RPO)			
- ARC Staff Support (RPO)	\$75,000	\$57,513	\$17,487
- Membership Committee Support (RPO)	\$5,200	\$2,582	\$2,618
Special Projects			
- Workshop for Elected Officials	\$2,886	\$2,886	\$0
- Watershed 2004 Reception	\$0		\$0
Total Budgeted	\$708,052	\$596,923	\$111,129
Contingency (Not Budgeted)*	\$163,524		
Total Available Funds for 2004	\$871,576		

Amount Paid from Assembly Dues	\$298,462
Amount Paid from Federal Grant	\$298,462

Assembly Dues Received to Date	\$435,788
Assembly Dues Available for Future Bills	\$137,326

* Budget as identified in Appendix B of the Memorandum of Agreement (Approved March 18, 2004 ARC Meeting) Plus the Budget Amendment Recommended by the Executive Committee on 10/13/2004 and approved by the Full Assembly on November 17, 2004.

** Additional funds may have been expended to date.

There is a delay of 30 to 60 days between expenditure and payment.

Assembly of Rouge Communities Status Report
Payment Status Report
2004 Budget Year
Updated 2/9/2005

Vendor	Invoice #	Invoice Amount	Amount Paid	Date Paid	Total per Vendor
Activity: Monitoring Program					
CDM (RPO)	27	\$56,776.80	\$56,776.80	6/7/2004	
CDM (RPO)	28	\$21,847.75	\$21,847.75	6/25/2004	
CDM (RPO)	29	\$36,842.87	\$36,842.87	7/27/2004	
CDM (RPO)	30	\$32,827.61	\$32,827.61	8/24/2004	
CDM (RPO)	31	\$28,574.07	\$28,574.07	9/24/2004	
CDM (RPO)	32	\$28,481.27	\$28,481.27	11/29/2004	
CDM (RPO)	33	\$41,969.83	\$41,969.83	11/29/2004	
CDM (RPO)	34	\$17,582.29	\$17,582.29	12/21/2004	
CDM (RPO)	35	\$35,079.12	\$35,079.12	1/25/2005	
Subtotal: CDM (RPO)					\$299,981.61
USGS	4-2445-00030 (#4)	\$14,250.00	\$14,250.00	6/28/2004	
USGS	4-2445-00053 (#5)	\$46,170.00	\$46,170.00	9/24/2004	
USGS	5-2445-00012 (#6)	\$46,170.00	\$46,170.00	11/30/2004	
Subtotal: USGS					\$106,590.00
Paragon Laboratories, Inc	1000026616 (#6)	\$1,276.50	\$1,276.50	6/25/2004	
Paragon Laboratories, Inc	1000026819 (#7)	\$1,609.50	\$1,609.50	7/27/2004	
Paragon Laboratories, Inc	1000026996 (#8)	\$2,164.50	\$2,164.50	8/24/2004	
Paragon Laboratories, Inc	1000027124 (#9)	\$1,165.50	\$1,165.50	9/24/2004	
RTI Laboratories, Inc	04-03280 (#2)	\$102.00	\$102.00	9/24/2004	
RTI Laboratories, Inc	04-03565 (#3)	\$102.00	\$102.00	9/24/2004	
Huron Valley Laboratories	200422502 (#1)	\$60.00	\$60.00	10/28/2004	
Paragon Laboratories, Inc	1000027254 (#10)	\$2,984.00	\$2,984.00	11/29/2004	
Paragon Laboratories, Inc	1000027380 (#11)	\$777.00	\$777.00	11/29/2004	
RTI Laboratories, Inc	4 Invoice (#4)	\$414.50	\$414.50	Two payment	Paied on 12/2 & 12/13
RTI Laboratories, Inc	04-06678 (#5)	\$102.00	\$102.00	11/29/2004	
OC Walled Lake-Novu Lab	WS2571 (#1)	\$234.23	\$234.23	12/21/2004	
Paragon Laboratories, Inc	1000027482 (#12)	\$999.00	\$999.00	12/21/2004	
Subtotal: Laboratories					\$11,990.73
Total: Monitoring Program					\$418,562.34
Activity: Subwatershed Facilitation					
CDM (RPO)	27	\$13,096.76	\$13,096.76	6/7/2004	
CDM (RPO)	28	\$10,000.74	\$10,000.74	6/25/2004	
CDM (RPO)	29	\$10,850.10	\$10,850.10	7/27/2004	
CDM (RPO)	30	\$15,285.01	\$15,285.01	8/24/2004	
CDM (RPO)	31	\$781.19	\$781.19	9/24/2004	
CDM (RPO)	32	\$8,551.40	\$8,551.40	11/29/2004	
CDM (RPO)	33	\$5,583.18	\$5,583.18	11/29/2004	
CDM (RPO)	34	\$3,288.10	\$3,288.10	12/21/2004	
CDM (RPO)	35	\$6,820.15	\$6,820.15	1/25/2005	
Total: Subwatershed Facilitation					\$74,256.63

Activity: ARC Public Involvement & Education Committee Support					
CDM (RPO)	31	\$22,143.38	\$22,143.38	9/24/2004	
CDM (RPO)	33	\$4,991.28	\$4,991.28	11/29/2004	
Subtotal: RPO					\$27,134.66
Activity: Public Survey					
SEMCOG	19	\$9,000.00	\$9,000.00	11/29/2004	
Subtotal: SEMCOG					\$9,000.00
Activity: Press Information Packages					
CDM (RPO)	31	\$1,530.69	\$1,530.69	9/24/2004	
CDM (RPO)	33	\$92.00	\$92.00	11/29/2004	
Subtotal (RPO)					\$1,622.69
Activity: Newsletters					
CDM (RPO)	31	\$3,365.43	\$3,365.43	9/24/2004	
CDM (RPO)			\$0.00		
Subtotal (RPO)					\$3,365.43
Total: Public Involvement & Education Committee Support					\$41,122.78
Activity: Assembly Staff Support					
CDM (RPO)	27	\$15,766.87	\$15,766.87	6/7/2004	
CDM (RPO)	28	\$6,614.52	\$6,614.52	6/25/2004	
CDM (RPO)	29	\$2,839.12	\$2,839.12	7/27/2004	
CDM (RPO)	30	\$2,971.18	\$2,971.18	8/24/2004	
CDM (RPO)	31	\$9,555.48	\$9,555.48	9/24/2004	
CDM (RPO)	32	\$441.86	\$441.86	11/29/2004	
CDM (RPO)	33	\$7,635.99	\$7,635.99	11/29/2004	
CDM (RPO)	34	\$5,357.90	\$5,357.90	12/21/2004	
CDM (RPO)	35	\$6,330.28	\$6,330.28	1/25/2005	
Subtotal (RPO)					\$57,513.20
Activity: Membership Committee Support					
CDM (RPO)	32	\$1,915.74	\$1,915.74	11/29/2004	
CDM (RPO)	33	\$666.52	\$666.52	11/29/2004	
Subtotal (RPO)					\$2,582.26
Total: Assembly Staff Support					\$60,095.46
Activity: Workshop for Elected Officials					
Embassy Suites Southfield	1	\$696.15	\$696.15	6/22/2004	
Embassy Suites Southfield	1A	(\$174.04)	(\$174.04)	7/22/2004	
Conservation Design Forum	0003271 (#1)	\$2,364.11	\$2,364.11	7/30/2004	
Subtotal (Elected Official Workshop)					\$2,886.22
Total: Special Projects					\$2,886.22
TOTAL					\$596,923.43

NOTES:

- (1) Payments for services provided and costs incurred against the 2004 budget.
- (2) There are additional funds which have been expended against the 2004 budget which have not yet been billed/paid.
There is a delay of 30 to 60 days between expenditure and payment.