

**BYLAWS**  
**OF**  
**GREENACRES COUNTY WATER and SEWER DISTRICT**

The duly elected Directors of the Greenacres County Water and Sewer District hereby adopt the following bylaws. It is the intent of these bylaws to conform to the Montana Constitution, statutes, regulations and laws of the State of Montana, and particularly to conform to M.C.A., Title 7, Chapter 13, Parts 22 and 23. In the event that any bylaw is inconsistent with Montana Law, then Montana Law shall take precedence.

Adopted November 7, 2006.

Amended July 8, 2008. Article I, Section 2; Article III, Section 11; Article IV, Section 1; Article V, Section 4. Meetings will be posted on bulletin board in Eagle Park; meetings will be second Tuesday of each month; and Order of Topics has been changed. Board compensation was increased at March 4<sup>th</sup> board meeting and corrected at May 6<sup>th</sup> regular board meeting.

**ARTICLE I**

**Name and Location**

**Section 1:** The name of this Water District, formed under M.C.A. Title 7, Chapter 13, Parts 22 and 23, shall be **GREENACRES COUNTY WATER AND SEWER DISTRICT**.

**Section 2:** Its principal offices for purposes of meetings shall be at a location selected by the Board, and will be posted on the bulletin board in Eagle Park, and the mailing address shall be: PO Box 657, Kalispell, Montana 59903.

**ARTICLE II**

**Purpose**

**Section 1:** It is the duty of the District and each Director to maintain and provide a clean and healthful environment for present and future generations. (1972 Montana Constitution, Article IX, ~1(1). In addition, the District and Board of Directors shall exercise the powers enumerated in Title 7, Chapter 13, Parts 22 and 23, MCA.

**ARTICLE III**

**Section 1:** The Board of Directors shall consist of five (5) members. The nomination, election, and appointment of the Board of Directors and/or elective officers shall be in the manner provided by these statutes found in Parts 22 and 23, Chapter 13, Title 7, M...C.A.

**Section 2:** All five of the Directors are to be elected pursuant to M.C.A. Sec. 7-13-2222. The election of the Directors shall be held every two years with the election to be in the off year between elections for local government officials.

**Section 3:** The term of office for elected Directors shall be four years from the date of election, except at the first regular election of the District, two of the Directors who will have one-year terms so that terms are staggered and three will have a three-year term, so the terms are staggered.

**Section 4:** Candidates for the Board of Directors shall follow the petition process as provided in MCA Sec 7-13-2241

**Section 5:** All Directors, either elected or appointed, hold office until the regular election or the appointment of their successors

**Section 6:** Any vacancy of the Board of Directors shall be filled by an appointment made by the remaining Directors until the next election for Board members.

**Section 7:** Any Director, whether elected or appointed, must either own or lease real property located within the District, or be a resident of the District. (See M.C.A, Sec 7-13-2233.)

**Section 8:** Eligible voters for the election of Directors are registered voters who either own real property or reside within the District. When a corporation owns real property within the District, an officer of the corporation may cast a vote on behalf of the corporation.

**Section 9:** The Board shall choose three of its members to hold the following three offices. All members, whether elected or appointed, are eligible for these offices. The Board shall hold annual elections for the positions of President, Vice-President and Secretary/Treasurer.

**PRESIDENT** -The President shall preside at all meetings of the Board of Directors and shall have a general charge over the affairs of the District, subject to the Board of Directors. The President shall sign all contracts on behalf of the District and perform other duties that may be imposed by the Board of Directors. The President shall also appoint Board Members to committees as may be necessary for the affairs of the District.

**VICE-PRESIDENT**- The Vice-President shall fulfill the duties of the President in his/her, absence.

**SECRETARY/TREASURER** -The Secretary/Treasurer shall oversee the keeping of the minutes of the proceedings of all meetings of the Board and shall have custody of all books and papers of the District, except as shall be in the charge of the District Clerk authorized by the Board to have custody. The Secretary/Treasurer shall be responsible for all financial records of the District.

**Section 10:** Signatures of any two of the Officers are required on checks written on District accounts.

**Section 11:** The President will receive a monthly stipend of \$80.00. The remaining board members shall receive a monthly stipend of \$50.00 for each regular monthly board meeting attended.

**Section 12:** The Board shall indemnify each Director from any and all liability for acts and omissions accomplished as a member of this Board within the scope and authority of their duties while serving on this Board.

**Section 13:** The Board of Directors, as soon as practicable, shall appoint by a majority vote a general manager, a clerk, and an auditor. No Director shall be eligible for these offices. (See M.C.A. Sec 7-13-2277 (1))

**Section 14:** The General Manager, Clerk and Auditor shall receive such compensation as the Board shall determine, and shall serve at the pleasure of the Board (MCA Sec 7-13-2277 (2).)

**Section 15:** The duties of the General Manager, Clerk and Auditor shall be as follows:

**GENERAL MANAGER** -Shall have full charge and control of the maintenance, operation, and construction of all work and systems of the District. The General Manager shall perform such other duties as may be imposed on him/her by the Board. The General Manager shall report to the Board in accordance with such rules as it may adopt.

**CLERK** – Shall countersign all contracts on behalf of the District and perform such other duties as may be imposed by the Board.

**AUDITOR**- Shall be charged with the duty of installing and maintaining a system of auditing and accounting that shall at all times show the financial condition of the District. They shall draw warrants and pay demands made against the District when such demands have been first approved by at least three members of the Board, and by the General Manager. (MCA Sec 7-13-2279)

**Section 16:** The General Manager, Clerk and Auditor, and all other employees or assistants of the District who may be required to do so by the Board of Directors, shall give bonds to the District conditioned for the faithful performance of their duties as the Board from time to time may provide.

#### **ARTICLE IV**

**Section 1:** Regular meetings of Directors shall be held on the first Tuesday of each month at a site to be determined, or a place to be designated by the Chairman of the Board of Directors (see Article I, Section 2) at 6:30 PM. If a Federal holiday falls on the regular meeting date, the meeting will be moved to the following Wednesday.

**Section 2:** Special meetings may be called by the Chairman or any two Directors.

**Section 3:** If there is no pertinent business to be considered at a regular meeting, the president may cancel the meeting by notifying each Director at least 48 hours prior to the time set for such meeting. If any Director objects, the meeting shall take place.

## **ARTICLE V**

### **Conduct of Business**

**Section 1:** All legislative sessions of the Board of Directors, whether regular or special, shall be open to the public (See M.C.A. Sec 7-13-2274(1).) All regular and special meeting must have the agenda posted at least three days prior to the meeting in at least one public place within the District.

**Section 2:** A majority of the Board shall constitute a quorum for the transaction of business. (See MCA Sec 7-13-2274(2).).

**Section 3:** No Director shall sit in hearing or vote on any matter in which they are personally or financially interested. (See M.C.A. Sec 2-2-125.)

**Section 4:** The order of business shall be (unless changed by acclamation):

- (I) Call to Order and Roll Call
- (II) Reading and Approval of the minutes
- (III) Public Comment
- (IV) Operators Report
- (V) Financial report
- (VI) Correspondence
- (VII) Old Business
- (VIII) New Business
- (IX) Questions and answers with M.A.P. staff
- (X) Adjournment

**Section 5:** The Board shall act only by ordinance and resolution (See M.C.A. Sec. 7-13-2274(3))

**Section 6:** Procedures relating to ordinance and resolutions are as follows:

- (a) The ayes and nays shall be taken upon passage of all ordinances or resolutions and entered upon the journal of the proceedings of the Board of Directors. No ordinance or resolution shall be passed or become effective without the affirmative votes of at least a majority of the total members of the Board.
- (b) The enacting clause of all ordinances passed by the Board shall be in these words: “Be it ordained by the Board of Directors of the Greenacres County Water and Sewer District as follows:” (see MCA Sec 7-13-2275(2).)

- (c) All resolutions and ordinances shall be signed by the Chairman of the Board and attested by the Clerk or the Secretary/Treasurer of the Board (see MCA Sec 7-13-2275 (3).)

**Section 7:** The fiscal year shall begin January 1, and end on December 31, of the same calendar year.

## **ARTICLE VI**

### **Amendments**

**Section 1:** These bylaws may be amended or added to at any regular meeting by an affirmative vote of a majority of the total members of the Board.

**Section 2:** Bylaws may not be amended; repealed, or added to at special meetings.

## **ARTICLE VII**

### **Powers and Duties**

**Section 1:** The powers listed in this section shall be exercised by the governing Board of Directors, who are elected and appointed according to Montana statute. (See MCA Sec 7-13-2217(2).)

**Section 2.** This District, being incorporated as provided by Parts 22 and 23 of Chapter 13, Title7, M.C.A, shall have power to:

- (a) Have perpetual succession;
- (b) Sue and be sued;
- (c) Adopt a seal and alter it at pleasure;
- (d) Take by grant, purchase, gift, devise, or lease, and to hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the District, necessary to the full exercise of its powers;
- (e) Make contracts, employ labor, and do all acts necessary for the full exercise of the foregoing powers. (SeeM.C.A. Sec7-13-2217(1) (a), (b), (c), (d), (e));
- (f) Construct, purchase, lease or otherwise acquire and operate and maintain water lines and waterworks, and rights useful or necessary to store, conserve or drain water for purposes beneficial to the District, as well as provide safe wastewater disposal.

**Section 3:** Powers related to District finances. This District shall have the power to:

- (a) Accept funds and property or their assistance (financial or otherwise) from federal, state and other public or private sources to aid the construction or maintenance of water and/or sewer development projects;
- (b) Cooperate and contract with the state or federal government in furnishing assurance for and meeting local cooperation requirements for any project involving control, conservation or use of water.
- (c) Borrow money and incur indebtedness and issue bonds or other evidence of such indebtedness. (See MCA Sec 7-13-2321 through 2330.)
- (d) Cause taxes to be levied in the manner provided for by statute. (See M.C.A Sec 7- 13-2221 (1) through (4).)

**Section 4:** Establishment of charges for services. The Board of Directors shall fix all water and/or sewer rates and shall oversee the collection of water and sewer charges. These rates are intended to pay for the operating expenses of the District, interest on any bonded debts, and as far as possible, provide a sinking fund for the payment of principal on any debts as they become due. (See MCA Sec 7-13-2221 (1) through (2).)

**Section 5:** The Board of Directors may only add land to the District, exclude land from the District, or correct erroneous property description according to Montana State Law. (See MCA. Sec 7-13-2340 through 2348.)

Director Trina Thomson moved to adopt the Bylaws as written. Motion seconded by Director Julie Schairer. Motion carried.

AYES: 5

NAYES: 0

ADOPTED: November 7, 2006

WE, the undersigned, being all the directors of the Greenacres County Water and Sewer District, hereby adopt the foregoing as the Bylaws of the said District.

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Timber Stevens, President

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Debbie Dominick, Vice President

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Trina Thomson, Secretary/Treasurer

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Julie Schairer, Director

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Sandi Vashro, Director

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Revised November 7, 2006

Amended July 8, 2008