

BYLAWS OF THE BOTTLE BAY RECREATIONAL WATER AND SEWER DISTRICT

The previous Bylaws of the Bottle Bay Recreational Water and Sewer District dated December 1, 2018 are rescinded and replaced by the following.

INTRODUCTION

- A. The Bottle Bay Recreational Water and Sewer District, also known as the Bottle Bay Sewer District (“District”) is political subdivision of the State of Idaho and governed by Idaho Statutes.
- B. The enabling Statute is Title 42 IRRIGATION AND DRAINAGE – WATER RIGHTS AND RECLAMATION, Chapter 32 WATER AND SEWER DISTRICTS. This Statute applies to the creation, powers, organization and the business, affairs and activities of the District and its particulars are not repeated in these Bylaws.

ARTICLE I – OFFICES

The principal office of the Bottle Bay Sewer District (“the District”) shall be located at its maintenance building, located at 8680 Bottle Bay Road, Sagle, Bonner County, Idaho.

ARTICLE II – BOARD OF DIRECTORS

- 1. The Board of Directors (the “Board”) shall manage the affairs and activities of the District according Idaho Statutes and these Bylaws. The term Board Member when used in District documents is the same as Director.
- 2. The number of Directors, tenure, qualifications, vacancies, elections, and terms of office are set forth in Idaho Statutes.
- 3. The Board shall elect a Chairman, Vice-Chairman, a Secretary and a Treasurer as officers of the Board. The Chairman and the Treasurer may not be the same person. The Board shall also appoint a Compliance Officer who may be a Director. The Directors shall elect officers at the first meeting of the newly elected (appointed) Directors held in the month of July in odd-numbered years. Each officer shall hold office until the next election, removal by the Board, or until their resignation.
- 4. Any officer elected by the Directors may be removed by the Directors whenever, in their judgment, the best interests of the District would be served.

ARTICLE III – DISTRICT OFFICERS

1. CHAIRMAN

- a. The Chairman shall be the principal officer of the District and, subject to the control of the Directors, shall in general supervise and control the business and other affairs of the District.
- b. The Chairman shall prepare and post an agenda prior to each meeting. The agenda shall be posted on the District office door and set out on the District website. In addition, the Chairman shall provide each Director with a “Board Book” for each meeting containing documents relevant to the agenda.
- c. The Chairman shall preside at all meetings of the Directors.
- d. The Chairman may sign, with the Secretary or other proper officer of the District authorized by the Directors, instruments which the Directors have authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Directors or by these Bylaws to some other officer or agent of the District, or shall be required by law to be otherwise signed or executed.
- e. The Chairman shall, in general, perform all duties incident to the office of Chairman and such other duties as may be prescribed by the Directors from time to time.

2. VICE-CHAIRMAN

In the absence of the Chairman or in the event of his death, inability or refusal to act, the Vice-Chairman shall perform the duties of the Chairman, and when so acting, shall have all powers of and be subject to all the restrictions upon the Chairman. The Vice-Chairman shall perform such other duties as may be assigned to him by the Chairman or by the Directors from time to time.

3. SECRETARY

- a. The Secretary shall keep the records of the District including the minutes of all meetings, the resolutions of the Board, and any other documents pertinent to the District. The Secretary may keep such records in digital form so long as digital files are secure and backed-up in a cloud account or other means of safe back-up.
- b. The Secretary shall keep the meeting minutes and cause such approved minutes to be posted to the District’s website. The Secretary may delegate such record-keeping duties to a Recording Secretary who is employed or contracted by the District.
- c. The Secretary shall be the Webmaster for the District’s website but may delegate such responsibility to the Recording Secretary, or commercial service, or both.

- d. The Secretary shall prepare and keep a list of Members including contact information. This list is a public record, but shall not be used by the public for a mailing list.
- e. The Secretary shall cause District notices to be published as required by law.
- f. The Secretary shall, in general, perform all duties incident to the office of Secretary and such other duties as may be prescribed by the Directors from time to time.

4. TREASURER

- a. The Treasurer shall report on the financial health of the District at least quarterly and move the Board for approval of the final year-end financial statement at the close of each fiscal year.
- b. The Treasurer shall cause the checking account(s) register, and a list of paid invoices to be attached to or contained within each monthly Board Book.
- c. The Treasurer shall approve all invoices and may sign payment instruments on behalf of the District.
- d. The Treasurer shall be the primary Board contact for the District Controller, who shall have authority to prepare but not execute payment instruments.
- e. The Treasurer shall prepare the annual District budget and seek Board approval for its adoption.
- f. The Treasurer shall cause the Districts financial performance to be audited annually and reported as required by law. The Board shall, from time to time, designate a qualified auditing firm.
- g. The Treasurer shall, in general, perform all duties incident to the office of Treasurer and such other duties as may be prescribed by the Directors from time to time.

5. COMPLIANCE OFFICER

The Compliance Officer is the Board's principal representative to Members who are constructing or modifying a sewer connection. The Compliance Officer shall have authority to act for the Board in approving Sewer Permits and related permissions, and issuing notices of violations.

6. EXECUTIVE AND OTHER COMMITTEES

The Board, by resolution, may designate from among its members, an executive committee and other committees, each consisting of three (3) or more Directors. Each committee shall serve at the pleasure of the Board.

7. COMPENSATION OF BOARD DIRECTORS

The Board may receive compensation in the statutory amount but may, by unanimous resolution, decline to accept such compensation. Such resolution shall be re-considered when new Directors take office.

8. DISTRICT STAFF

The Board may hire or contract with companies or individuals to manage the affairs of the District.

ARTICLE IV – FISCAL YEAR AND ANNUAL AUDIT

1. The fiscal year of the District shall begin on the first day of December in each year.
2. The Board shall cause an audit to be made of each fiscal year’s financial affairs.

ARTICLE V - MEETINGS

The Board shall meet monthly in-person or by electronic means so long as each Director may be heard. In addition, the Board may hold special meetings from time to time. All meetings shall be noticed as required by law.

ARTICLE VI – BUDGET

The Board shall create an annual budget prior to the commencement of the fiscal year. Such budget shall be adopted and advertised in accordance with Idaho Code.

ARTICLE VII – ORDINANCES, RESOLUTIONS, AND RULES & REGULATIONS

The Board shall adopt and amend from time to time ordinances, rules and regulations, policies and procedures, and resolutions. Adoption and notice shall be made according to law. Ordinances and rules and regulations shall be posted on the District website and made available to the public upon request. Polices and procedures, resolutions, financial data and other documents shall be available to the public upon filing a public records request.

ARTICLE VIII – AMENDMENTS

These bylaws may be altered, amended or repealed, and new Bylaws may be adopted, by a majority vote of the Directors at any regular Directors’ meeting, or at any special Directors’ meeting when the proposed amendment has been set out in the notice of such meeting.

ARTICLE IX – SAVINGS CLAUSE

If any provision hereof, or the application thereof to any particular circumstance, ever held shall be invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect, and applicable to all circumstances to which it may validly apply.

APPROVED AND ADOPTED this 15th day of Feb. 2022, by the Board of Directors.

William M. Berg
Chairman

ATTEST:

Jon Davis
Secretary