

**CODE of BYLAWS  
of  
THE GREENE COUNTY REGIONAL SEWER DISTRICT**

**ARTICLE ONE  
IDENTIFICATION**

Section 1.01. Name. The name of this District is the Greene County Regional Sewer District (hereinafter referred to as the "District").

Section 1.02. Organization. The District was organized pursuant to 13-26-1 et seq as amended, following the filing of a Petition by the Board of Commissioners of Greene County, Indiana, with the Indiana Department of Environment Management ("IDEM") and upon order of the Commissioner of IDEM dated November 15, 2011 (hereinafter referred to as the "Establishing Order"), and by Declaration of the Board of Commissioners of Greene County, Indiana, dated December 18, 2011. IDEM has regulatory authority over the District.

Section 1.03. Purpose. The purpose of the District as provided in the Establishing Order and I.C. 13-26 is to provide for the collection, treatment and disposal of sewage within and outside the District. The District is not formed for pecuniary or financial gain and no part of the assets, income, or profit of the District is distributable to, or inures to the benefit of its Trustees or Officers.

Section 1.04. Territory. The Territory included in the District consists of the following portion of Greene County, Indiana: The West half of Section 31-6-4; all of Section 36-6-5, and the East Half of Section 26-6-5, and the East Half of Section 35-6-5, all in Taylor Township, Greene County, Indiana, containing approximately 1600 acres, and including the unincorporated community of Scotland. The Territory of the District may be expanded according to the procedures provided in I.C. 13-26-8.

Section 1.05. Principal Office. The District's principal office is located at the Greene County Courthouse, 1 E. Main Street, Bloomfield, IN 47424, or at such address as may be changed from time to time by the Board of Trustees.

**ARTICLE TWO  
THE BOARD OF TRUSTEES**

Section 2.01. Duties. The statutory authority of this District is vested in the Board of Trustees, which possesses the management and control of the business of the District. As provided by I.C. 13-26, the Board shall employ such agents and employees

as it deems advisable and shall fix the rate of compensation of all employees. The Board shall exercise all other authority and duties as provided for in I.C. 13-26 (hereinafter referred to as the "Enabling Statute"), and as such is amended from time to time. The District may employ such employees as are necessary for the discharge of the duties and responsibilities of the District and may enter contracts for special or temporary services and professional consulting. Appointments shall be made by a majority vote of the Board.

Section 2.02. Resignation. A Trustee may resign at any time by filing his resignation with the President of the District.

### **ARTICLE THREE** **BOARD OF TRUSTEES**

Section 3.01. Composition and Term of Board of Trustees. As provided by the Establishing Order, the District is governed by a Board of Trustees consisting of Five (5) voting members. The initial Trustees shall serve from the date of appointment through January 31, 2013. Thereafter, the term of office shall commence on February 1<sup>st</sup> of each year and end on January 31<sup>st</sup> of the following year, and until replaced by a duly-appointed successor. The Board of Trustees is comprised as follows: (a) Three (3) persons appointed by the Board of Commissioners of Greene County, Indiana; and (b) Two (2) persons appointed by the Greene County Council.

Section 3.02. Compensation and Expenses of Trustees. Each Trustee shall be paid such sum as is established by the Board of Trustees, provided, however, pursuant to IC 13-26-4-7, no Trustee shall be paid a per diem stipend in excess of the amount as provided by IC 13-26-4-7, as may be amended, for each day or major part of a day devoted to the work of the District. The Trustees may also be paid travel expenses not to exceed the sum paid to employees of the State of Indiana for expenses incurred in the performance of their duties, or as may otherwise be hereinafter provided by statute.

Section 3.03. Compensation of Officers and Employees. Pursuant to IC 13-26-5-3, the Board may provide for compensation of the district's officers and employees by its rules and resolutions.

Section 3.04. Quorum. At any meeting of the Board, a quorum shall consist of a majority of members of the Board of Trustees. No action shall be taken in the absence of a quorum except to adjourn the meeting to a subsequent date.

Section 3.05. Agenda. The Trustees shall utilize an agenda for their meetings. Prior to each meeting, the Board Secretary shall post a copy of the agenda on the door of the meeting place or in a place designed to post notices to the public.

Section 3.06. Voting. All votes shall be spoken, and upon the request of any Trustee, votes may be taken by roll call of the Secretary. Each Trustee in attendance shall be entitled to vote. Upon the request of any Trustee, a secret ballot for the election of officers shall be held.

As required by the Enabling Statute, each formal action of the district required by law shall be embodied in a formal resolution or motion duly entered in full upon the minute book after an affirmative vote of the majority of Trustees present at a duly constituted meeting. Actions of an administrative or executive nature may be taken by a majority of the Board or may be taken by Officers of the Board or employees of the District as authorized by the Board.

Section 3.07. Public Participation. Any member of the public may present their concerns to the Board, and may be permitted to address the Board upon any subject properly before the board for discussion. The President may reasonably limit or defer debate upon any issue before the Board, and when so limited or deferred, his ruling shall be final.

Section 3.08. Passage of Ordinances. As required by the Enabling Statute, an affirmative vote of the majority of the Board is required to pass an ordinance or resolution.

## **ARTICLE FOUR** **OFFICERS OF THE DISTRICT AND THEIR DUTIES**

Section 4.01. Officers. The Officers of the District shall consist of a President, a Vice President, a Secretary, and a Treasurer. No one individual shall hold more than one office of the District. The Board by resolution may create and define duties of the Officers of the District other than as herein provided in this Bylaws. The Board shall elect or appoint persons to fill all such offices. The election or appointment of an Officer shall not of itself create contract rights.

Section 4.02. Qualifications. An individual must be a duly appointed member of the Board in order to be qualified to be elected as an Officer of the District.

Section 4.03. Elections of Officers. At the first meeting of the Board following February 1 of each calendar year, the Board shall elect the Officers who will serve for that year. Such newly elected Officers shall assume their offices upon their election or appointment, and the term shall be for one (1) year or until new officers are elected or such officer becomes disqualified to serve.

Section 4.04. President. The President shall preside at all meetings of the Board of Trustees, discharge all the duties which devolve upon a presiding officer, possess

authority to take executive or administrative action on behalf of the District, and perform such other duties as these Bylaws prescribe or the Board may herein after prescribe.

Section 4.05. Vice President. The Vice President shall perform all duties incumbent upon the President in the absence or the disability of the President, and perform such other duties as these Bylaws may require or the Board may hereinafter prescribe.

Section 4.06. Treasurer. The Treasurer shall be responsible for the keeping of correct and complete records of accounts, showing accurately at all times the financial condition of the District. The Treasurer shall be the legal custodian of all monies, notes, securities, and other valuables which may from time to time come into the possession of the District. The Treasurer shall immediately deposit all funds of the District coming into his/her hands, into some reliable bank or depository to be designated by the Board of Trustees, and shall keep such bank account in the name of the District. The Treasurer shall furnish at meetings of the Board, or whenever requested by any member thereof, a statement of the financial condition of the District. The Treasurer shall further perform such other duties as these Bylaws may require or the Board may prescribe. The Trustees may enlist the services of a certified public accountant or other qualified person to assist the fulfillment of the Treasurer's responsibilities.

Section 4.07. Secretary. The Secretary shall be responsible for the custody and care of the records and minute books of the District. The Secretary shall attend all meetings of the Board and shall keep, or cause to be kept, in a book provided for such purpose, a true and complete record of the proceedings of such meetings. The Secretary shall attend to the giving and serving of all papers and documents belonging to the District and shall perform such other duties as these Bylaws may require or the Board may prescribe. The Trustees may enlist the services of a Recording Secretary to fulfill the responsibilities of the Secretary.

Section 4.08. Delegation of Authority. In case of the absence of any Officer of the District, or for any other reason that the Board of Trustees may deem sufficient, the Board of Trustees may delegate the powers or duties of such Officer to any other Officer or to any Trustee, for the time being, provided that a majority of the Board of Trustees concurs therein.

Section 4.09. Execution of Documents. Unless otherwise provided by the Board, all contracts, leases, commercial paper, and other instruments in writing and legal documents shall be signed by the President and attested by the Secretary. All bonds, deeds and mortgages shall be signed by the President and attested by the Secretary of the District. All other checks, drafts, notes, or orders for the payment of money shall be signed by those Officers or employees of the District as the Trustees may from time to time designate.

Section 4.10. Prohibition of Loans to Officers or Trustees. No loan of money or property or any advance on account of services to be performed in the future shall be made to any Officer or Trustee.

## ARTICLE FIVE MEETINGS

Section 5.01. Regular Meetings. Regular meetings of the Board of Trustees shall be held at such times as shall be established by the Board of Trustees.

Section 5.02. Special Meetings. The President, on his own initiative, may at any time call a special meeting of the Board upon the following terms and conditions: (a) if in the judgment of the President it is to meet an immediate emergency of the District, such meeting may be called by spoken contact with other members of the Board, with further identical notice to the news media as required by the Indiana Open Door Law; or (b) if the purpose of such meeting is not an immediate emergency, such meeting may be called by giving other members of the Board and the Secretary and the news media forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) spoken or written notice prior to the convening of such meeting.

Section 5.03. Place of Meetings. The meetings of the Board of Trustees shall be held in the Commissioners Room of the Greene County Courthouse, or at such other place as the Trustees shall determine from time to time.

Section 5.04. Organization. The President and, in his absence, the Vice President, and in their absence, any Trustee chosen by the Trustees present, shall call the meeting of the Board of Trustees to order and shall act as chairman of such meetings. The Secretary of the District shall act as Secretary of the Board, but in the absence of the Secretary, the presiding officer may appoint any Trustee to act as Secretary of the meeting.

Section 5.05. Public Meetings. As required by the Indiana Open Door Law, I.C.5-14-1.5, meetings of the Board of Trustees and its committees shall be open at all times for the purpose of permitting members of the public to observe and record them. Only meetings qualifying as "executive sessions" under I.C. 5-14-1.5-6.1 shall be exempt from this requirement.

Section 5.06. Minutes. The Secretary or other person to whom such responsibility is delegated shall take minutes at each meeting. The minutes shall be open for public inspection and copying during normal business hours.

Section 5.07. Notices. Notices of all meetings shall be given pursuant to IC 5-14-1.5. The agenda for each regular meeting shall be posted outside the door of the meeting room prior to the commencement of the meeting.

Section 5.08. Public Hearings. In addition to those meetings required by law, the District may, at its discretion, hold public hearings when it decides that such hearings will be in the public's interest.

Section 5.09. Public Notice. Other than as required by law, notice of such hearings shall be by publication, posting, or broadcast, at the discretion of the Board.

## **ARTICLE SIX** **COMMITTEES**

Section 6.01. Special Committees. The President, subject to the approval of the Board, or the Board may establish special committees, as the need may arise. The chairman and members of any special committees shall be selected for one (1) year terms upon recommendation by the President and approval by the Board.

Section 6.02. Standing Committees. The President, subject to the approval of the Board, or the Board may establish standing committees, as the need may arise.

Section 6.03. Minutes and Reports. Each committee shall prepare minutes of its meetings and shall also provide the minutes to the Board before or at the Board's next regular monthly meeting. Following a meeting, each committee shall also make a report to the Board at the Board's next regular monthly meeting.

## **ARTICLE SEVEN** **RECORDS**

Section 7.01. Records of the District. Minutes of all general and special meetings shall be recorded in writing by the Secretary, or the appointee of the Trustees, and shall become available for review by any member of the public at reasonable times and places.

Section 7.02. Location of Records. Except as otherwise provided by the laws of the State of Indiana, the books and records of the District and the Board of Trustees shall be kept at such place or places, within Greene County, Indiana, as the Board of Trustees may from time to time by resolution determine.

Section 7.03. Publication and Recording of Ordinances. An ordinance, order or resolution passed by the Board of Trustees is adopted when it is signed by the President of the Board. Where required by state statute, an adopted ordinance, order or resolution must be promulgated before it takes effect. An ordinance prescribing a penalty for violation must be published as required by I.C. 5-3-1 before it takes effect, unless the ordinance declares an emergency requiring its immediate effectiveness and is posted in one (1) public place in each governmental unit of the District, under I.C. 36-5- 2-10. The Secretary shall record

each ordinance duly adopted by the Board in a book kept for that purpose, which record much show: (a) the signatures of a majority of the members of the Board of Trustees; and (b) the date of each recorded item. The record or a certified copy of the record, constitutes presumptive evidence of the adoption of the ordinance.

Section 7.04. Resolutions Required. Contracts, including contracts for services, may be authorized by the Board through the adoption of a resolution providing for such contracts.

Section 7.05. Authorization for Payment of Bills. No bill or debt shall be paid unless approved by the Board at a general meeting in conformity with applicable state law, or unless authorized by ordinance pursuant to state law.

Section 7.06. Forms. All claims presented to the Board for payment shall be presented on claim forms authorized by the State Board of Accounts.

Section 7.07. Unauthorized Contracts. Verbal or spoken commitments, promises, or offers of any kind, made by individual Trustees or Officers without authorization of the Board, are in no way binding upon the District.

## **ARTICLE EIGHT** **AMENDMENTS**

Section 8.01. Procedure. The portions of these Bylaws which are not subject to superseding legislative, administrative, judicial, or contractual authority may be amended in the following manner: (a) the proposed amendment shall be submitted in writing to the Board at a general meeting; (b) the proposal shall be read aloud to the general public at the time it is submitted; and (c) the proposed amendment may be voted upon at the general meeting at which it is submitted. Three (3) affirmative votes shall be sufficient to amend these Bylaws.

## **ARTICLE NINE** **SUPPLEMENTARY RULES**

Section 9.01. Robert's Rules of Order. Any rules, stipulations, guidelines, etc., pertaining to questions or situations not covered by these Bylaws, shall be decided in accordance with Robert's Rules of Order.

Section 9.02. Suspension of Rules. As provided by Robert's Rules of Order, if the Board wishes to take an action that it cannot take without violating one or more of its regular rules, it may adopt a motion to "Suspend the Rules" that are interfering with the proposed action - provided that the proposal is not in conflict with local, state or federal law, or the fundamental principles of parliamentary law.

**ARTICLE TEN:**  
**VALIDITY**

Section 10.01. Conflicts If any part of these Bylaws shall be found to be in conflict with any state or federal statute, rule, or regulation governing the operation of the District, such statute, rule or regulation shall be precedent over these Bylaws and the part in conflict therewith is hereby repealed and shall not affect or repeal any other part of these Bylaws not in conflict with such statute, rule or regulation.

APPROVED AND ADOPTED this 16th day of February, 2012.

BOARD OF TRUSTEES OF THE GREENE  
COUNTY REGIONAL SEWER DISTRICT

By: William H. Harp  
William H. Harp, President

By: Louis H. Massette  
Louis H. Massette, Trustee

By: Allen R. Toon  
Allen R. Toon, Trustee

By: \_\_\_\_\_  
Scott E. Oliphant, Trustee

By: \_\_\_\_\_  
Mark A. Miller, Trustee