

CITY OF BRYANT



CITY WATER AND WASTE WATER COMMITTEE BYLAWS

January 10, 2011

CITY OF BRYANT WATER AND WASTE WATER COMMITTEE BYLAWS

I. PURPOSE OF THE BYLAWS

It is the intent of these Bylaws to prescribe the organization of the City of Bryant Water and Waste Water Committee and to establish orderly, equitable and expedition's procedures for the conduct of its affairs to the end that all may be informed and the public well served.

II. THE COMMITTEE

A. Members and Terms

The City of Bryant Arkansas Ordinance # 2007-23 stipulates the membership of the Committee, first established November 8, 2007 and the terms of service. Membership shall consist of eight members, each serving a four (4) year term. Wards 1, 2, 3, and 4 will each be represented by two (2) Committee members. The two (2) Committee member positions in each Ward shall be identified as Committee member Position 1 and 2.

Water and Wastewater Committee members shall reside and live in the ward to which they are appointed. Notwithstanding this provision, the City Council may approve to appoint up to one-third (1/3) of the Water Committee from electors living outside the corporate limits of the City, but within the recorded planning jurisdiction of the City; such non-resident Committee members will rotate from ward-to-ward, but shall not serve consecutive terms in any one ward until all Wards have been represented by a non-resident Committee member. This will maintain in that order from thence forth. No Ward shall retain a non-resident Committee member longer than one (1) four (4) year term. No Ward shall be represented by more than two (2) Committee members at any time.

Committee members shall be nominated and appointed to the Committee by the Mayor. To assist the Mayor in the appointment process, city aldermen may provide names and resumes of potential candidates(s) to the Mayor for consideration and subsequent selection and recommendation for nomination as Water and Wastewater Committee members. Nominations for appointment shall be made by the Mayor. Upon nomination, the Mayor shall forward to the City Council a copy of the names and resumes of candidate(s) selected for appointment.

The terms of the City Water and Wastewater Committee members, other than those initially appointed pursuant to the new Ordinance, shall be for a period of four (4) years. To insure longevity and retention of qualified and knowledgeable Committee members on the Water and Wastewater Committee, the initial appointment of Committee members shall be staggered two (2) and four (4) years for an eight-member committee. Each Ward

shall have two (2) Committee member positions. The initial appointment and staggering of Committee members will be as follows: Position 1 Committee members from each Ward will serve until December 31, 2009. Position 2 Committee members will serve until December 31, 2011. No two (2) terms of Committee members serving in the same Ward shall expire during any one (1) calendar year.

Water and Wastewater Committee members who move or change their permanent resident/address within the city of Bryant from one ward to another ward shall be replaced within 60 days. Committee members may, however, continue to serve on the Committee for 60 days from the time they move, in order to allow for an orderly and timely selection and appointment process.

Whenever vacancies occur for any reason, the Mayor and City Council shall implement the procedures set forth by Ordinance #2007-23.

All members of the Committee whose terms may expire may serve until their successors in office have been appointed and confirmed up to 60 days for the same reason as stated above.

When a member of the Committee has missed more than 25% of all regular meetings of that calendar year or more than three (3) consecutive regularly scheduled meetings, except in case of illness or extraordinary circumstances, such person shall tender his/her resignation; unless, prior to the next scheduled meeting of the City Council, the member submits in writing his/her desire to remain on the Committee; then the City Council, by a majority vote, shall allow the member to continue to serve.

A Water and Wastewater Committee member may be removed at-will by a two-thirds (2/3) majority vote of the City Council.

Water and Wastewater Committee members shall not hold any other municipal, county, state, or federal office or appointment.

B. Officers

1. Election of Officers

The election of officers, Chairman and Vice-Chairman, shall be held at the first commission meeting in November for a period of 1 year, beginning on January 1st of each year.

Nomination for Chairman and Vice-Chairman shall come from the floor and shall be elected to office by a simple majority of Committee members.

The office of Secretary shall be filled by appointment of the Mayor of an individual who is an employee of the City.

2. The Chairman and Vice-Chairman Duties

- a. The offices of Chairman and Vice-Chairman shall be filled for terms of one year each. The Chairman, and likewise the Vice-Chairman, may not succeed themselves in office.
- b. The Chairman shall preside at all meetings and hearings of the Committee. In the event of the absence or disability of the Chairman, the Vice-Chairman shall preside. In the absence or disability of both the Chairman and the Vice-Chairman at any meeting, a member of the Water and Waste Water Committee will be elected to act as Chairman during such meeting.
- c. The Chairman shall present to the Committee for its approval the names of all persons appointed to committees established by the Water/Wastewater

Committee. The Chairman shall designate one member of such Committee to serve as the Committee Chairman.

- d. The Chairman shall sign all approved minutes, and when authorized, other documents on behalf of the Water/Wastewater Committee.

3. Secretary Duties

- a. The Secretary shall attend all meetings of the Committee and shall be responsible for:
 1. Preparing the agendas of items to be considered at a meeting.
 2. Carrying on routine Correspondence.
 3. Maintaining the files of the Water/Wastewater Committee.
 4. Maintaining a record of the rules and regulations of the Committee.
 5. Current membership of the Committee with their terms of office.
 6. Maintaining a record of the organization of the Committee and its staff.
 7. Keeping the minutes of each meeting.
 8. Attesting documents of the Committee.
- b. The Secretary shall attend all Committee meetings and shall serve as the Secretary of all standing and technical advisory committees and, at the discretion of the Chairman of all special committees. The Secretary shall advise the Committee on request.

4. Advisory Members

The City Mayor shall assign an advisor and such other staff assistance from the City as deemed necessary for the Committee work. The City Council may, in the manner provided by law, contract for services necessary to carry out the functions of the Water and Waste Water Committee.

III. COMMITTEES

A. Standing Committees

1. Standing Committees may be created by the Water and Waste Water Committee and changed with such duties, as the Committee deems necessary or desirable.
2. Such Committees shall be composed of two or more Water and Waste Water Committee members, but less than a quorum of the full Committee, and shall hold membership for one year or until succeeded.

B. Special Committees

Special Committees may be created in the same and under the same conditions as Standing Committees, except that the Chairman shall also designate a date for the submission of the Committee's final report. Special committees shall be

dissolved when their particular function or task has been completed. No Special Committee shall exist for a term of more than twelve (12) consecutive months, except by the direction of the Water and Waste Water Committee.

C. Advisory Committees

The Water and Waste Water Committee may create such Advisory Committees, as it deems necessary or desirable. Each Advisory Committee shall be composed of at least one Committee member and other officials and private citizens in a number determined by the Water and Waste Water Committee. Generally, members shall be private, professional or technical representatives, public officials working on the problems with which the committee is concerned, and individuals who have special interest or experience with such problems.

IV. MEETINGS

A. Regular Meetings

1. Date – The Water and Waste Water Committee shall, at the last regular meeting of each year, adopt a calendar of regular meeting dates for the forthcoming year. Normal meeting dates shall be the last Tuesday of each month.
2. Time - The Water and Waste Water Committee shall meet regularly at 6:00 p.m. as indicated by the adopted calendar.
3. Place – The Water and Waste Water Committee shall meet regularly in the Bryant City Hall or such other places as directed by the Chairman.
4. Notice –
To the Water and Waste Water Committee Members
The electronic notification or mailing of a copy of the agenda to each Committee member two-weeks prior to the date set for a meeting shall constitute notice of such meeting. On the morning of the day of a meeting, it shall be the responsibility of each Committee member to notify the Secretary that they will not be present at the meeting.

B. Called Meetings

1. Special meetings may be called by the Chairman, or by a quorum of the Committee members, or by a majority of those present at a regular or called meeting. Notice of such meeting shall be given as prescribed for a regular meeting, unless such called meeting is to be held within less than three (3) days, in which case, notice by telephone call shall suffice. Announcement of a special meeting at any meeting at which all members are present shall be sufficient notice

of such meeting.

2. Under extraordinary conditions, an emergency meeting may be called at the direction of the Chairman – by telephone and without other notice. However, notification to the local press may not be omitted.

C. Adjourned Meetings

Where all applications cannot be disposed of on the day set, the Water and Waste Water Committee may adjourn from day-to-day of as necessary to complete the hearing of all items docketed. A majority vote of those present shall be required to adjourn.

V. CONDUCT OF BUSINESS

A. Order of Agenda

All meeting shall be conducted in accordance with the agenda, which shall enumerate the topics and cases in the following:

1. Called to Order
2. Finding of a quorum
3. Approval of previous minutes
4. Approval of Financial Statement
4. Old Business
5. New Business
6. Reports
8. Adjournment

B. Standard Rules of Procedure

Except as may otherwise be set forth in these Bylaws, parliamentary procedure shall be as prescribed in the latest edition of Roberts Rules of Order, Revised. Procedural provisions of these Bylaws may be suspended with the consent of three-fourths (3/4) of those Committee members present.

C. Special Rules of Procedure

1. Quorum – A quorum for the transaction of business shall be a majority of members except when a reduction force caused by a member(s) resignation(s) makes this impossible. A quorum shall be considered the majority of the remaining members of the Committee.
2. Vote and Proxy – Each Committee member, including the Chairman, shall be entitled to one (1) vote. No Committee member shall cast a vote for another Committee member by proxy. In the event that any member of the Committee is uncertain as to whether or not a conflict of interest exists, that member should obtain an opinion from a designated attorney before either participating in the

discussion or voting on the matter in question.

3. Motion and Voting – Any matter of business requiring action by the Committee may be presented by oral motion, and the members present may vote there on by simple voice vote. In case of split vote, the Chairperson may ask for a show of hands.

The minutes shall indicate voting to be “denied” or “passed” and the name of any abstained. Voting on election of officers in which there is a contest shall be by secret, written ballot.

4. Majority Vote

(a.) simple majority of those members present at a meeting shall be sufficient to approve any administrative or procedural action.

(b) In those instances where a majority votes of the full Committee cannot be obtained to take final action, the matter before the Committee shall be automatically deferred until the next scheduled meeting.

D. General Policies

1. Formal Action – No request for advice, or moot question may be acted upon formally by the Committee.
2. Closing of Docket – No application for an agenda item shall be submitted to the Committee, or prepared by the Secretary for submission, unless the same has been filed two weeks prior to the regular scheduled meeting of the Committee. Supporting documentation of an agenda item must be submitted in time to include the information in the regular scheduled packet provided is fourteen (14) days before the scheduled meeting.
3. Open Meetings – All meetings of the Water and Waste Water Committee shall be open to the public as required by law.
4. Public Records – All minutes of Committee meetings and all petitions, applications, reports and other documents on which action has been taken by the Committee shall be open to the public and available for inspection at reasonable times.
5. Reconsideration of Denied or Amended Applications
 - a. Expunging Action – The Committee may, when it deems necessary and for cause, expunge a motion and subsequent action in order to introduce a substitute motion for other action. The motion to accomplish such shall be made immediately and preceding the introduction of the next item of business on that agenda. When an item has been voted on and passed over for the next item of business, it shall not be recalled at the meeting for further action.

- b. Reconsideration – Except for cause and with the unanimous consent of all members present at a meeting, no matter on which final action has previously been taken shall be reopened for further consideration unless reconsideration is granted by the Committee, the case will be rescheduled for the next regular meeting.
- 6. Applicant Attendance at Meeting – The applicant, on each item docketed, shall be present or represented at the meeting and prepared to discuss the request.
- 7. Precedents – No action of the Committee shall be deemed to set a precedent. Each item docketed shall be decided upon its own merit and circumstances attendant thereto.
- 8. Dissent – If a member of the Water and Waste Water Committee member wishes to dissent from a majority opinion of the committee, he or she shall communicate a written minority opinion to the following:
 - a. All members of the Water and Waste Water Committee.
 - b. The Secretary of the Water and Waste Water Committee
 - c. The City Mayor
 - d. All members of the City Council

VI. AUTHORITY OF COMMITTEE

The Water and Wastewater Committee shall have the authority to determine how it executes its designated mission and this authority shall apply only to its internal procedural matters and shall be consistent with all applicable legal and statutory authority, including but not limited to; state and federal laws, regulations, and city ordinances. Committee members may draft and propose Committee rules, but no such rule shall become final without a majority vote of the City Council. The committee members may debate, prepare, draft, and present proposed ordinances, regulations and/or amendments to existing ordinances, regulations and/or under no circumstances shall such proposals be submitted less than 14 days prior to a regularly scheduled City Council meeting, except in cases of emergency. Notwithstanding any of the foregoing, Committee members may not establish policies for the City or the Committee without prior approval of the City Council.

The Water and Wastewater Committee shall regulate all business in a manner consistent with applicable city ordinances and other binding authority and will not regulate by policy letter or any other medium that can reasonably be construed as an attempt to legislate or circumvent public participation.

VII. AMENDMENTS

Water and Wastewater Committee members may draft and propose committee rules and by-laws but no such rule(s) shall become final without a majority vote of the City Council. The committee members may debate, prepare, draft, and present proposed ordinances, regulations and/or amendments to existing ordinances, regulations and/or amendments to the City Council for adoption at its next regularly scheduled meeting. However, under no circumstances shall such proposals be submitted less than 14 days prior to a regularly scheduled City Council meeting, except in cases of emergency. Committee members may not establish policies for the City or the Committee without prior approval of the City Council.

Date: _____

Secretary: _____

Chairperson: _____

City Clerk: _____

Mayor: _____