

# TRUSTEE AND MANAGER POLICIES

## PART I. General Provisions

Section 1.01 Purpose. The purpose of this policy is to establish the rules of procedure for the conduct of meetings and the transaction of business by the County Water District of Billings Heights. These rules of procedure are intended to assure that the Board can accomplish its work efficiently, in full view of the public and with reasonable opportunity for the public to participate in the deliberations and decisions of its county government.

Section 1.02 Authority. These rules of procedure are pursuant to Montana statutory and regulatory law.

## PART II. Public Participation

Section 2.01 Policy. It is the policy of County Water District of Billings Heights Board that the public shall be afforded reasonable opportunity to participate in the Board Meetings prior to the final decision of the Board concerning any matter of significant interest to the public. A matter of significant interest to the public includes but is not limited to any matter:

1. Requiring a public hearing;
2. Adopting, Implementing, interpreting, prescribing or altering a rate, rule or policy of the District;
3. Relating to the budgetary and financial affairs of the District.

Section 2.02 Open Meetings. A meeting of District Board of Directors is convened whenever quorums of Board members hear, discuss or act upon any matter over which they have jurisdiction. All meetings of the District Board shall be open to the public. However the presiding officer of the Board may close any meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and in that event, the meeting must be open as it relates to that individual.

Section 2.03 Notice. The District Board shall give timely notice of any public hearing or any meeting to discuss or act upon any matter of significant interest to the public, as prescribed by law. Additionally, the agenda of all scheduled meetings of the District Board shall be posted on the website not later than close of Business on 5th business day) prior to the meeting. Amendments to the agenda can be made until close of business 3 business days prior to meeting

Section 2.04 Public Posting Board. The Board of the County Water District of Billings Heights designates as its official posting place the website for the District.

### PART III. Procedures.

Section 3.01 Meetings. The Board of Directors shall meet on a regular basis and may hold special meetings to conduct the affairs of the District. Committees of the Board may meet on a regular basis and may hold special meetings. All meetings of the Board shall be open to the public and subject to a general rule no matter of significant interest to the public should be decided upon without prior notice to the public as a scheduled Board agenda item.

A meeting of the Board is defined as the convening of a quorum of the Board either in person or by means of electronic equipment to hear, discuss, or act upon a matter over which the Board has supervision, control, jurisdiction, or advisory power. A quorum is represented by a majority of the total members of the Board or committee in attendance.

Special meetings of the Board of Directors may be called by the President, or in his absence the Vice President, or by a quorum of the members of the board.

Official action at Board meetings can only occur with a quorum of Directors present. Minutes of all meetings required by statute Montana law to be open, fully reflective of all business transacted at the meeting, shall be kept and available no later than 21 days after the meeting is adjourned and shall be available for inspection by the public. All amendments to minutes must be sent to secretary by noon of 3rd business day before the next meeting.

Section 3.02 Agenda Preparation. Proposed resolutions, reports, recommendations, contracts and all other matters requiring consideration, discussion or decision by the Board shall be submitted to the President of the Board and to the Secretary of the Board by 12:00 noon on the Friday immediately preceding the next regularly scheduled meeting of the Board. The President or his/her designated representative shall arrange the matters requiring discussion or action into an agenda according to the order of business specified herein. Copies of the agenda shall be provided to each member of the Board not later than at end of business 5 business days prior to the scheduled meeting. Copies of the agenda shall be readily available to the press and to the public at large and one copy shall be posted on the designated public posting board not later than 48 hours prior to the scheduled meeting.

Section 3.03 Order of Business. The presiding officer shall prepare the agenda in substantially the following form which may be altered by consent of the Board:

1. Call the Meeting to Order
2. Welcome and Introduction of guests
3. President's Remarks
4. Public Comment on anything not on the agenda but within the jurisdiction of the Board.
5. Approval of the minutes
6. Consent Agenda

\*\* Consent Items are those upon which the presiding officer anticipates no discussion should be necessary. However, at the beginning of each meeting any Board member may request one or more items to be removed from the consent agenda for the purpose of discussion prior to a separate vote on

the item(s). The presiding officer shall schedule such discussion and vote immediately following adoption of consent agenda.

7. Manager's Report.
8. Committee Reports
9. Old Business
10. New Business
11. Items to be scheduled for Future Board Meeting:

**\*\*An item that is not scheduled on the agenda for the current meeting may be discussed during the session at the discretion of the Board. However, the purpose of such discussion shall be to decide whether or not to schedule the item for discussion and/or vote on a subsequent agenda. As a general rule no matter of significant interest to the public should be decided upon without prior notice to the public as a scheduled Board agenda item.**

12. Adjournment

#### PART IV. Rules of Board Participation.

Section 4.01 Policy. To provide for the effective participation by all members of the District Board and to protect the right of participation by members of the public appearing before the Board.

Section 4.02 Rules. Board debate shall proceed in accordance with the following rules:

1. A Board Member desiring to speak shall address the presiding officer, and upon recognition, shall confine him or herself to the question under debate, avoiding abusive and indecorous language.
2. A Board Member once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or as herein otherwise provided. If a Board Member while speaking is called to order, he or she shall cease speaking until the question of order is determined, and, if in order, he or she shall be permitted to proceed.
3. Order of rotation in matters of debate or discussion shall be at the discretion of the presiding officer.
4. A motion may be made by any member of the Board but must be seconded prior to discussion and vote. If the motion is not seconded it shall be declared failed for lack of a second by the presiding officer.
5. A motion to reconsider any action taken by the Board may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed and reconvened session thereof. Such a motion may only be made by a Board Member of the prevailing side, but may be seconded by any Board Member and it shall be debatable.
6. Nothing herein shall be construed to prevent any member of the Board from making or remaking the same or any other proper motion at a subsequent meeting of the Board but the matter must be a scheduled agenda item.

Section 4.03 Suspension of the Rules of Debate. The rules of debate may be suspended temporarily by the unanimous vote of the entire Board.

Section 4.04 Majority of Whole Board Required. The affirmative vote of majority of Board Members present is required to adopt any measure unless a greater number of votes may be required by law.

Section 4.05 Duty to Vote. It shall be the duty of each Board Member to vote in the affirmative or negative on each motion duly placed before the Board by the presiding officer. A Board Member may make a brief explanation of the reason why she or he voted in a particular way.

Section 4.06 Proxy Voting. A Board Member who is not present in the meeting at the time a motion is put to a vote cannot vote. Board Member shall not be permitted to vote by a proxy vote or by written vote.

Section 4.07 Conflict of Interest. Any member of the Board who has a private interest, as defined by law or as so advised by the County Attorney, in any matter pending before the District shall not participate in the debate nor vote in that matter nor seek to influence the vote of members of the Board, except as otherwise provided by Montana law. If the presiding officer has a private interest in a matter pending before the Board he or she shall yield the chair to the Vice President during the course of debate and decision concerning the matter in which she or he has a private interest.

## PART V. Presentation to the Board.

Section 5.01 Procedures. The general procedure by which items are handled by the Board Members at other than public hearings shall be as follows:

1. The item is presented to the Board along with a brief summary of the matter for discussion, with or without the presiding officer's recommendation.
2. For the purpose of clarification and after recognition by the presiding officer, Board Members may direct questions about the item to the presenter, the presiding officer or staff member.
3. Comments from the presiding officer, staff or Board members will then be heard by the Board. The Board may invite individuals invited to speak to the motion.
4. After recognition from the presiding officer the Board may direct questions.
5. The presiding officer will then invite members of the audience to present or submit testimony beginning with those in favor of the proposal, followed by those who oppose the proposal and concluding with those who neither favor nor oppose the proposal.
6. All testimony shall be directed to the presiding officer.
7. The Board may, upon a proper motion and second, vote on the matter or table the matter until a date certain.

Section 5.02 Budget presentation. The budget must be presented and acted upon as follows:

1. The GENERAL Manager will present his proposed primary balanced budget for all district operations for the upcoming year at least during the regular April business meeting.
2. The Board will meet discuss alter as needed and adopt an annual budget by July 1, of each year.
3. The budget must be reviewed by the General Manager and the Board during the October, January, April and July Board meetings.
4. The budget can be amended at each budget review so as to conform to new conditions but all expenditures must be accounted for.

## PART VI. Public Hearings

Section 6.01 Procedures. The Board shall conduct public hearings as required by law. Public testimony will be presented to the Board in the same format as described in PART V above, except that witnesses may be required to testify under oath as provided by law in which case the Board shall not be bound by the strict rules of evidence, but may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence. The presiding officer shall, with advice as needed from legal counsel, rule on all questions relating to the admissibility of testimony or evidence. The ruling of the presiding officer may be overruled by a majority vote of the Board. Additionally the following rules of procedure shall apply:

1. The proponents or opponents, their agent or attorney, may submit petitions and letters prior to the closing of the hearing and the same shall be entered by reference into the minutes and considered as other testimony received at the hearing.
2. Following the presentation of all testimony and evidence, the Board may: (1) Continue the hearing to a date certain to allow additional information to be submitted to the Board; (2) Close the public hearing and proceed to Board debate of the matter; or (3) Continue the Board debate and vote to a date certain.
3. A public hearing which has been formally closed may not be reopened. If additional information is required before a decision can be made, the Board, upon motion duly made, seconded and passed, may call for an additional public hearing which hearing shall be duly noticed as required by law and this policy.

## PART VII. Guide for Public Participation

Section 7.01 Guidelines for Public Participation. The following guidelines shall serve to assure reasonable and fair public participation in the decisions of the District Board.

1. The public shall be invited to speak on any item under consideration by the Board after and only after recognition by the presiding officer.
2. The speaker should step to the front of the room, and for the record, give his or her name and address and, if applicable, the person, or organization he or she represents.

3. Prepared statements are welcomed and should be given to the presiding officer and noted in the minutes of the meeting. Prepared statements that are also read, however, shall be deemed unduly repetitious. All prepared statements shall become a part of the permanent record.

4. While the Board is in session, members of public must preserve order and decorum. No person shall delay or interrupt the proceedings or the peace of the Board nor disturb any member of the public or of the Board while speaking or refuse to obey the orders of the presiding officer of the Board.

5. Any person who while testifying shall use indecorous or abusive language or who shall become boisterous or disruptive shall be barred from further presentation to the Board by the presiding officer, unless permission to continue be granted by a majority vote of the Board.

## PART VIII. Resolutions

Section 8.02 Resolutions. Except as provided by law, proposed resolutions may be introduced at any time by a member of the Board and if adopted shall be effective on the date specified therein.

Section 8.03 Right of Initiative. The people retain the right to present resolutions for adoption by the initiative process, as prescribed by law.

Adopted August 08, 2023

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Board President

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Board Secretary



## **By-Laws of the County Water District of Billings Heights**

### **ARTICLE I**

#### **Organizational Authority**

In 1957, the Montana Legislature passed the "County Water District Act," which permits the residents of an area such as Billings Heights to create a district for the purpose of building, operating, and maintaining their own central water supply and distribution system. Pursuant to the provisions of the afore-mentioned Act, the Water District was established.. The County Water District of Billings Heights ("District") was formed by mail ballot election-voted by the residents and landowners within the designated boundaries of the District located in Billings, Montana and duly conducted in accordance with Montana State Law on August 26, 1958. A Certificate of Incorporation for the District was thereafter issued by the Montana Secretary of State on August 29, 1958.

### **ARTICLE II**

#### **Name and Boundaries**

The name of the corporation is the County Water District of Billings Heights. The principal office of the District shall be located at such place as the Board of Directors may from time to time determine. The mailing address of the District is 1540 Popelka Drive, Billings, Montana 59105. The boundaries of the District are as shall be designated by the Board of Directors from time to time in accordance with all applicable laws and statutes.

## **ARTICLE III**

### **Purpose**

The purpose of the District is to provide a safe, potable water supply via the District's distribution system within its boundaries, and to do all things necessary and proper to maintain and operate these facilities as required and allowed by Montana State law.

## **ARTICLE IV**

### **Seal**

The seal of the District shall have inscribed, thereon, the words "County Water District of Billings Heights" and the District shall maintain custody of the seal.

## **ARTICLE V**

### **Fiscal Year**

The fiscal year of the District shall begin July 1 of each year and shall end on June 30.

## **ARTICLE VI**

### **Board of Directors**

The Board of Directors is the governing body of the district. All powers of the District, as provided by Montana State Law, or necessarily implied, shall be vested in the Board of Directors.

### **Composition.**

The Board shall consist of members as prescribed by Montana State Law, as may be amended.

### **Qualifications.**

to be eligible for election or appointment to the District's Board, a person must meet the requirements of Montana State Law and the following:



- (1) registered to vote as required by law;
- (2) 18 years of age or older;
- (3) a citizen of the United States; and
- (4) a resident of the District or an owner of real property located in the District who is a resident of the state of Montana.

#### Election.

The procedure for nomination and election of members to the Board shall be as provided in Montana State Law

#### Term of Office.

The term of office for Directors and the first day of term shall be according to Montana State Law.

#### Vacancies.

Any vacancies on the Board, whether the vacant office is elective or appointive, shall be filled by Montana State Law by a majority vote of the remaining members of the Board. A vacancy on the Board exists according to Montana State Law when any of the following events occur before the expiration of a member's term of office:

- (a) the member's death;
- (b) a determination pursuant to Title 53, Chapter 21, Part 1 of the Montana Code Annotated, that the member is mentally ill;
- (c) the member's resignation;
- (d) the member's removal/forfeiture of office; (see actions prohibited under article VII)
- (e) the member's neglect or refusal to perform his/her required duties as a member of the Board for three (3) consecutive months, except when prevented by illness or the member's absence from the District with the Board's permission;
- (f) the member's conviction of a felony or a violation of official duties; or
- (g) the decision of a court declaring the incumbent's election or appointment void

#### Meetings.

The Board shall meet on a regular basis and may hold special meetings to conduct the business of the District. Meetings shall be held at such time and place as determined by the Board. All Board meetings and the conduct of District business at said meetings may be guided by Robert's Rules of Order.

All regular and special meetings of the Board shall be open to the public subject to the requirements and exceptions set forth in Montana State Law. Notice of Board meetings shall be published as required by Montana State Law.

A meeting is defined herein as the convening of a quorum of the Board members (whether in-person or electronically) to hear, discuss, or act upon any matter over which the District has supervision, control, jurisdiction, or advisory power. A majority of the Board constitutes a quorum for the transaction of District business.

#### Ordinances and Resolutions.

The Board may act only through ordinances or resolutions. These must be passed with affirmative votes from at least a majority of the total members of the Board. The ayes and noes for passage of all ordinances or resolutions must be taken and included in the Board's Meeting Minutes. All ordinances and resolutions must be signed by the President of the Board and attested by the Secretary of the Board. All ordinances passed by the Board shall begin with the following enacting clause:

***"Be it ordained by the Board of Directors of the County Water District of Billings Heights as follows:"***

#### Compensation.

Each member of the Board of Directors shall receive a monthly salary according to Montana law as set forth in Montana State Law. The board may elect to waive Director's compensation during development of the budget each fiscal year.

### **ARTICLE VII**

#### Duties and Offices of the Board of Directors.

The Board of Directors, subject to restrictions of law and these Bylaws, shall exercise all of the powers of the District, and without prejudice to or limitation upon their general powers, it is hereby expressly provided that the Board of Directors shall have, and are hereby given full power and authority in respect to the matters set forth in Montana State Law. Such power and authority shall be exercised by ordinance and resolution duly passed by the Board.

#### Specific Duties.

Without prejudice to or limitation upon the general duties of the Board, the specific duties of the Board include, but are not limited to, the following:

- (a) to select, appoint, and remove any officers, or agents of the District, including the establishment of appropriate compensation and prescription of duties for all District officers, or agents;
- (b) to establish rules to govern Board proceedings;
- (c) to adopt and amend rules and regulations deemed essential or convenient for the conduct of business and/or the affairs of the district and the guidance and control of Board officers, agents, and employees;
- (d) to set adequate penalties, where necessary, for the breach of the Board's duly adopted rules and regulations;
- (e) to establish an annual financial budget for the District, including regular reviews and amendments of said budget
- (f) to complete an annual independent audit of the District's books and account; and
- (g) to review rates, charges, and taxes levied or assessed by the District as necessary, but at least bi-annually, to ensure that income and revenue will adequately meet the needs of the District's present and future budgets.

#### **Board Actions Prohibited**

Without prejudice to or limitation upon the general duties of the Board, these specific actions below are prohibited by the Board or any individual Board member:

- (a) Neither the Board, or any of its members, shall in any manner dictate the appointment or removal of any administrative officers or employees whom the General Manager, or any of his or her subordinates are empowered to hire or appoint.
- (b) Neither the board, nor any of its members will directly or indirectly insert themselves in any way into the day-to-day operations of the District or otherwise attempt to supervise, coerce, harass, or influence any employees of the District that fall under the supervision of the General Manager.
- (c) Only the Board President or his designee shall speak publicly as a representative of or on behalf of the majority of the board.
- (d) Any Board member found by a majority vote of the board to be in violation of, or having committed a violation of any one of these prohibited actions will have given implied consent to automatically forfeit their seat and voluntarily resign as a board member of the District.

#### **Election of a Board President and Vice President.**

The Board of Directors shall nominate and elect by majority vote a President and a Vice President annually at the June board meeting. The President and Vice President shall then serve for a term of one (1) year commencing on July 1. Any other board created officer positions will be nominated, elected, appointed and serve following the same term listed above.

### **Duties of the Board President.**

The president shall sign all resolutions, ordinances, and contracts on behalf of the district and perform such other duties as may be imposed by the board of directors. The President shall also, when present, preside over meetings of the Board and shall convey all directives from the Board to the District's General Manager. In the case of the President's death, resignation, removal or incompetency, the Board of Directors may declare the office vacant and elect a successor.

### **Duties of the Board Vice President.**

In the President's absence, inability or refusal to act, the Vice-President shall perform the duties of the President, and when so acting, shall have all the powers of, and be subject to all the restrictions of the President; The Vice-President shall also perform such other duties as from time to time may be assigned to him or her by the President and/or the Board of Directors.

## **ARTICLE VIII**

### **Offices and Duties of the Administrative Personnel.**

When necessary and appropriate for the conduct of District business, the Board may create administrative offices in addition to those identified herein.

The Board shall appoint, by a majority vote, the following administrative personnel:

- (a) a general manager;
- (b) a board secretary

No members of the Board shall be eligible for appointment to these offices. The general manager and secretary shall receive compensation as the Board determines feasible and appropriate.

### **General Manager.**

The general manager has full charge and control of the maintenance, operation, and construction of all works and systems of the District. The general manager has the power and authority to employ and discharge all employees and assistants, prescribe job duties, and, subject to the Board's approval, fix compensation. The general manager shall perform other duties imposed by the Board. The general manager shall report to the Board in accordance with any applicable rules or regulations adopted by the Board. In the event the General Manager position is vacated due to death, discharge, retirement or resignation, the Assistant Manager shall assume the General Manager duties until the position is filled by a majority vote of the Board.

### Secretary

The secretary shall countersign all contracts on behalf of the District and perform such other duties as may be imposed by the Board. The secretary will be the official record keeper for the Board and shall have custody of the seal. Minutes of all Board meetings, Resolutions and Ordinances passed by the Board will be attested by the secretary. All legal documents and notices of Public Hearings that require certification of Board action will be attested by the secretary. The hiring of the secretary shall be by a contract for services.

## **ARTICLE IX**

### Finance and Taxation.

Pursuant to Montana State Law.

### Levy of Taxes.

The District may levy taxes to meet bond obligations and other expenses as provided by Montana State Law.

### Governmental Grants, Loans or Other Financial Assistance.

The District will be treated as a municipality when applying for a grant, a loan, or other financial assistance from the State.

### Public Hearing Required.

Except as provided in Montana State Law, prior to the passage or enactment of an ordinance or resolution imposing, establishing, changing, or increasing rates, fees, or charges for services or facilities, the board shall order a public hearing. Notice of the public hearing must be published as provided in Montana State Law.

## **ARTICLE X**

### Insurance.

The District shall purchase appropriate insurance as determined by the Board to protect the Board members, officers, employees, and property from any potential loss and/or loss expense. The extent and specific nature of coverage shall be reviewed by the Board and general manager on a periodic basis as deemed appropriate.

## ARTICLE XI

### Conflict of Interest.

**Existence of Conflict of Interest.** A conflict of interest can be presumed to exist in any instance where the actions or activities of any individual on behalf of the District also involves either an improper or unjust gain or advantage to any party or has an adverse effect on the District's interests.

**Duty of Good Faith.** All members of the Board, advisors or agents of the Board, officers, employees, and agents of the District shall act in good faith at all times with respect to the duties of their respective positions. No one shall use such position or knowledge gained there from in any manner which benefits the individual against the interests of the District.

**Disclosure.** Where a transaction raises any degree of doubt concerning the possible existence of a conflict of interest, the parties involved shall make a full disclosure of all facts pertaining to the transaction to the President prior to initiating the transaction.

## ARTICLE XII

### Indemnification

No Board member, officer, agent, or employee of the District shall be individually liable for any act or omission made in the course and scope of his/her official capacity on behalf of the District

## ARTICLE XIII

### Amendments

These Bylaws may be repealed or amended by the affirmative vote of the District Board, at any regular or special meeting so long as the change does not put the District into conflict with the Montana State Law or the Administrative Rules of Montana after two reviews at regular Board meetings. The Board shall not have the power to change the purpose of the District, so as to decrease its rights and powers under Montana State Law or to wave any requirement of bond or other provisions for the safety and security of the property and funds of the District or its users.

**KNOW ALL PEARSONS BY THESE PRESENTS:**

The undersigned President of the Board of Directors of the County Water District of Billings Heights DOES HEREBY CERTIFY that the above and foregoing Bylaws were duly updated by the Board of Directors on this 16 day of August, 2023, and that the same now constitutes the Bylaws of the County Water District of Billings Heights.

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President

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Secretary

## HWD rates from committee meeting Sept. 26, 2023

### Proposed monthly meter charge

<u>Meter size</u>	<u>Monthly charge</u>
¾"	\$19.70
1"	\$28.10
1 ½"	\$51.20
2"	\$78.50
4"	\$152.00
6"	\$464.90
8"	\$740.00

### Proposed system development fees

<u>Meter size</u>	<u>In district*</u>	<u>Joining district*</u>
¾"	\$2500	\$5000
1"	\$5000	\$8200
1 ½"	\$9900	\$16500
2"	\$16000	\$26200
4"	\$46500	\$52300
6"	\$146500	\$163500
8"	\$256500	\$261500
<b>REMOVE ANNEXATION FEE</b>		<b>\$150.00</b>

**\*Increase 2% per year**

<u>Bulk resale</u>	<u>Amount/1,000 gallons</u>	<u>\$6.30</u>
<u>Irrigation</u>	<u>Amount/1,000 gallons</u>	<u>\$7.50</u>



Residential rates and tiers

Amount/1,000 gallons

0-4,000 gals.	\$3.25
4,001-20,000 gals.	\$4.85
20,001-40,000 gals.	\$7.10
40,001 and over gals.	\$9.50

Commercial rates and tiers

Amount/1,000 gallons

0-10,000 gals.	\$4.20
10,001-100,000 gals.	\$4.60
100,001-500,000 gals.	\$5.00
500,001 and over gals.	\$5.30