



## **SYRINGA HEIGHTS WATER DISTRICT BYLAWS**

DISCLAIMER: These BYLAWS are provided to assist Board members and staff in the performance of their responsibilities. They are intended to be consistent with the Idaho Code, Title 42, Chapter 32, but they do not include every applicable Idaho Statute and they do not necessarily reflect what this board has deemed necessary as we are, according to the Bonner County clerk, a “self-regulating organization.”

### **1. HISTORY:**

Syringa Heights Water District was originally formed as an Association by 150 property owners West of Sandpoint City Limits in 1969. Due to restrictions of the City of Sandpoint License to distribute public waters within City Limits, growth to the west meant that developing properties would need to install a well. It was decided by vote of the property owners to get a federal loan, establish boundaries, and purchase water from the City for distribution to this area. The City acknowledged this action and agreed to provide water for an initial minimum period of 40 years, and approved the boundaries of the Association.

Operational Bylaws were adopted and served until the Association voted to become a Taxing District in 1981. This was a court approved change, and SHWD has operated as a District from that time forward.

### **2. PURPOSE:**

The District was established for the purpose of providing water for domestic use within the district’s boundaries.

### **3. SERVICE AREA:**

The District serves an area roughly bound by Chuck’s Slough on the east, Baldy Mountain Rd on the north; Upper Syringa Rd. and Upland Drive on the west and Highway 200 on the south, including Rocky Point Road. Refer to our district map for a more exact description.

### **4. BOARD OF DIRECTORS:**

The District shall be governed by a Board of Directors consisting of at least 5 individuals, but no more than seven, 2/3’s of whom must own property within the District Boundary. Each Board member shall be compensated for each business meeting (\$150.00) A member may miss up to two (2) meetings annually and still be compensated.

The Board reserves the right to hire on a short-term contract any board member to aid the board to accomplish its tasks. The determination of hiring a board member is principled by the concept of "sole source". In other words, can the board or cannot the board find any other person to complete a particular task is the determining factor.

The Board shall be organized in the manner provided by Idaho Code 42-3209.

## **5. AMENDMENTS**

The Board of Directors of the District shall have the authority to repeal, modify or add to these Bylaws, Rules and Regulations at any meeting called by the President or three or more members of the Board and such amendment shall take effect at the expiration of 10 days thereafter upon immediately posting notice of such amendment on the District's web site.

## **6. ELECTION OF BOARD MEMBERS: (IC 42-3211)**

On the third Tuesday in May, in the first odd-numbered year after the organization of any district, and on the third Tuesday in May every second year thereafter an election shall be held, which shall be known as the biennial election of the district. Such election shall be held and conducted consistent with the provisions of chapter 14, title 34, Idaho Code.

At the first biennial election in any district hereafter organized, and each sixth year thereafter, there shall be elected by the qualified electors of the district, one (1) member of the board to serve for a term of six (6) years; at the second biennial election and each sixth year thereafter, there shall be elected two (2) members of the board to serve for terms of six (6) years, and at the third biennial election, and each sixth year thereafter, there shall be elected two (2) members of the board to serve for terms of six (6) years.

In any election for director, if after the deadline for filing a declaration of intent as a write-in candidate, it appears that the number of qualified candidates who have been nominated is equal to the number of directors to be elected, it shall not be necessary for the candidates to stand for election, and the board of directors shall declare such candidates elected as directors, and the secretary of the district shall immediately make and deliver to such persons certificates of election signed by him and bearing the seal of the district.

**7. OFFICERS:** A Chairman and Vice Chairman shall be elected every other year at the March Board meeting. A Secretary-Treasurer, who may or not be a Board Member, shall also be elected every other year at the regular Board meeting.

**8. BOARD VACANCIES:** (IC 42-3210) Any vacancy on the Board shall be filled by an appointment of the remaining members or member of the Board, the appointee to act until the next biennial election when the vacancy shall be filled by election. The board will entertain prospective board members by asking them to state their qualifications and interest. The board shall attempt to fill the position within 30 days of its opening.

**9. REMOVAL OF BOARD MEMBERS:** Directors may be removed by The District Court for cause (42-309) or they may be recalled (34-1702(5)).

**10. POWERS OF THE BOARD: (IC 42-3212)**

- 10.01. Enter into contracts and agreements affecting the affairs of the District. Except in cases in which the District will receive aid from a governmental agency, procurement of goods or services shall be in accordance with the provisions of Chapter 28, Title 67, Idaho Code;
- 10.02. Borrow money and incur indebtedness and to issue bonds, in accordance with the provisions of 42-3222 -3225;
- 10.03 The Board shall have the power to create and maintain a sinking fund for the purpose of meeting any future obligations of the District.
- 10.04. Acquire, dispose of and encumber real and personal property, water, water rights.
- 10.05. Manage, control and supervise all the business and affairs of the District, and the construction, installation, operation and maintenance of District improvements;
- 10.06. Hire and retain agents, employees, engineers and attorneys;
- 10.07. Exercise the power of eminent domain in the manner provided by law for the condemnation of private property for public use, both within and without the District;
- 10.08. Establish water rates and basic fees.

**11. MEETINGS:** (IC 42-3210) The Board shall meet at an agreed upon meeting time and place. The next meeting time and place shall be made part of the current meeting minutes and shall be posted on the District's web site. Special meeting may be held as needed upon notice to each Board member. Three (3) Board members shall constitute a quorum at any meeting. Business may also be conducted by confirmation of email from a majority of members. All meetings shall be open to the public (67-2342). Written minutes shall be taken and shall, at a minimum, include names of Directors present, all motions and their disposition, the results of all votes and, upon request of a Director, the vote of each Director by name. (67-2344)

**12. MEETING NOTICE AND AGENDAS:** An agenda shall may be posted at least 48 hours before each regular meeting and at least 24 hours before each special meeting. An agenda may be amended, provided that a good faith effort is made to include, in the original agenda notice, all items known to be probable items of discussion. An agenda may be amended after the start of a meeting upon a motion that states the reason for the amendment and states the good faith reason why the agenda item was not included in the original agenda posting.

**13. EXECUTIVE SESSION:** An executive session at which members of the public are excluded may be held for specific purposes outlined in the Idaho Open Meeting Law (IC 67-2340 through 67-2347). The motion to go into executive session shall identify the specific subsection of the Code that authorizes the executive session. There shall be a roll call vote on the motion, requiring a 2/3 vote, and the vote shall be recorded in the minutes. The exceptions to the general policy in favor of open meetings shall be narrowly construed. It shall be a violation of this act to change the subject within the executive session to one not identified within the motion to enter executive session. Any Board member who participates in a meeting which

violates the Open Meeting Law shall be subject to civil penalty. The Board may meet in executive session:

13.01. To consider personnel matters such as hiring, evaluation, dismissal, disciplining or hearing complaints brought against an employee;

13.02. To conduct deliberations concerning labor negotiations or acquisition of real property;

13.03 To consider and advise legal representatives pending litigation.

Executive sessions are prohibited for taking final action or making final decision (67-2345). Minutes of executive sessions may be limited to prevent disclosure of protected material but must contain sufficient detail to convey the general tenor of the meeting (67-2344).

**14. LIABILITY INSURANCE:** Under the 'Idaho Tort Claims Against Government Entities Act' (6-901-929) the District may be held liable for negligent or wrongful acts or omissions. Consequently, the District shall maintain liability insurance coverage of at least \$2,000,000 for any one occurrence or accident.

**15. FISCAL YEAR:** The District's fiscal year begins on December 1 and ends on November 30. (Note: IC 42-3209 states that the fiscal year shall end November 30).

**16. BUDGET:** An annual budget shall be adopted by the Board at the regular November meeting and presented at a public budget hearing to be held in conjunction with the November Board meeting (42-3228). No later than July 31, the Secretary shall notify the Bonner Clerk of the Court of the date and location of the public budget hearing (the regularly scheduled November meeting). At least 10 days before the public budget hearing the Secretary shall post a notice with the location, time and date and a complete copy of the budget, and cause the notice and copy of the budget to be published in the Bonner Daily Bee (42-3229 -3231).

**17. FEES:** The Board shall determine the fees to be charged for water services. The fees are determined by the cost to maintain the system and the cost of water. For any increase in excess of five percent (5%) of the fee last collected or a decision to impose a new fee the District will hold a public hearing at a regular or special meeting and notices and agendas will be posted and published as required for public hearings of the annual budget (63-1311A)

**18. DELINQUENT FEES:** All fees and charges by the District not received by the 30th day of the month shall become delinquent. The date in February is the 28th. Postmarked by the 25th will be honored. Late charges of \$15.00 per billing cycle will apply and continue until the account is current. Unpaid balances will be levied against the subject property in accordance with Idaho Code.

**19. ANNUAL AUDIT:** The District's financial affairs may be audited following the end of each fiscal year. The audit will be performed by an independent certified public accountant chosen by the Board. (42-3209 and 67-450B).

**20. MODIFICATION OF DISTRICT BOUNDARIES:** The Board may change the boundaries of the District upon petition from owners of property to be annexed, or a petition signed by no less than 60% of the owners in the area to be annexed; or a petition signed by 20% of the property owners in the area to be annexed, calling for a vote; or by the Board calling for a vote. Voters must reside in the territory to be annexed and annexation requires a majority vote. (42-3218). See 42-3219 for de-annexation procedures.

**21. ORDINANCES:** The Board may enact statutes or regulations in order to exercise management control and supervision of the business and affairs of the District. The Ordinances shall be numbered sequentially by year (e.g. Ordinance 2008-01 is the first Ordinance passed in 2008).

**22. RESOLUTIONS:** Formal statements of the Board's intent may be adopted by the Board. Like Ordinances, Resolutions are numbered sequentially by year.

**23. BY LAWS:** These bylaws are rules governing the internal affairs of the Board and may be amended by a majority vote of the Board. Any amendments shall be duly recorded in the minutes and the Secretary shall maintain a current version of the bylaws and permanent file of all amendments.

**24. BOOK OF RECORDS:** (IC 42-3209) The Secretary shall keep, in a well-bound book and/or an electronic record of all proceedings, minutes of all meetings, certificates, contracts, bonds given by employees and all corporate acts which shall be open to inspection of all owners of real property in the District, as well as to all other interested parties.

**25. IDAHO'S PUBLIC RECORDS LAW:** (IC 9-337 through 9-350)

All of the District's records containing information relating to the conduct or administration of the District's business including, but not limited to, handwritten, typed, printed, copied, e-mail, computer files and all other records and documents are public unless specifically exempted from disclosure under IC 9-340. Any person has a right to examine and copy any public record. Requests to examine public records shall be granted or denied within 3 working days and a notice of denial shall state that the attorney for the District has reviewed the request and the notice shall indicate the statutory authority for the denial and the person's right to appeal.

**26. LOCAL IMPROVEMENT DISTRICTS:** The District is authorized to create Local Improvements Districts under Title 50, Chapter 17, Idaho Code. A local improvement is a public improvement that specially benefits property in a particular location within the District. Local improvements can be financed by creating an LID and issuing LID Bonds which are repaid by levying assessments on property that is specially benefited.

**27. WATER DISTRICT REVENUE BOND ACT:** Title 42, Chapter 41, Idaho Code, grants the District authority to acquire, construct and improve facilities and to finance such by issuing Revenue Bonds and to pledge an amount of revenue from

such facilities to pay bonds and interest. Before issuing bonds, however, the District shall obtain the approval of a majority of the qualified electors voting in an election held for such purpose.

**28. INDEBTEDNESS OF THE DISTRICT:** The District may incur debt and issue General Obligation Bonds for the purpose of acquiring, or improving the existing water system and constructing new water facilities. General Obligation Bonds are repaid by tax levies on property in the District. Before incurring debt that will exceed the income and revenue provided for the year, Article VIII, Section 3 of the Idaho Constitution and IC 42-3221 through 42-3225, Idaho Code, require the assent of 2/3 of the voting qualified electors.

**29. IDEQ PERMIT:** The District's water is operated under permits issued by the Idaho Department of Environment Quality. The permits establish operating standards and require routine testing and reporting. The District is required to keep an Operations and Maintenance Manual which describes in detail the operation, maintenance and management of the water system. The IDEQ Permits and Idaho Administration Procedures Act (IDAPA) 58.01 require an on-site Responsible Charge Operator (RCO) with the following license issued by the Idaho Bureau of Occupational Licenses (IBOL): Drinking Water Distribution – Class I.

These BYLAWS, superseding and replacing all prior Bylaws, shall be in full force and effect upon the 1st day of November 2022 pursuant to the following vote:

Yea / Nay

Y / \_ Tim Blankenship, Chairman

Y / \_ Fred Darnell, Secretary

Absent Verna Gable

Y / \_ Susan Drinkard

Y / \_ Rod Barcklay

Adopted 10/18/2022