

**BY-LAWS
OF THE
REGIONAL SEWER ADVISORY BOARD**

**ARTICLE I
NAME OF ORGANIZATION**

The name of this organization shall be the Regional Sewer Advisory Board of Kent County, Delaware (sometimes hereinafter referred to as "the Sewer Advisory Board" or "the Board").

**ARTICLE II
AUTHORITY**

The authority of the Board is advisory, as established by the Levy Court of Kent County during its meeting of May 15, 1973, as amended at its meetings of November 20, 1973, September 3, 1974 and May 9, 1989.

**ARTICLE III
PURPOSE**

Section 1. The purpose of the Board is to advise the Levy Court of Kent County, Delaware on providing orderly and desirable operation and development of the Kent County Regional Sewer Systems.

Section 2. In this respect the Board is responsible for, but not limited to, the tasks of reviewing, monitoring, and advising the Levy Court of Kent County on the items below or any other matters concerning the Kent County Regional Sewer Systems.

- a. Establishing of Priorities
- b. Establishment of New Sanitary Districts
- c. Obtaining and Contracting for Feasibility studies of expansion and improvement of the system
- d. Construction Contracts (bids)
- e. User Contracts
 - 1) Industrial - Commercial
 - 2) Sub-division
 - 3) Housing Developments
- f. Public Hearings/Referendums
- g. Rules, Regulations and Policies
- h. Compatibility to the Regional Comprehensive Land-Use Plan
- i. Federal and State Environmental Requirements
- j. Abandonment
- k. Fiscal Management (Budget)
 - 1) Methods of Financing (Title 9, Chapter. 46, DE Code)
 - 2) Operational and Maintenance Costs
 - 3) Records, Accounts, Recap sheets and Audits
 - 4) Income and Expenditures
 - 5) Schedule of Rates
 - 6) Rate of Adjustments

ARTICLE IV
MEMBERSHIP

Section 1. Members. There shall be 13 voting members of the Board (1 voting member from each of the 7 Levy Court Districts, plus 1 voting member and 1 alternate voting member from each municipality, from DAFB, and from DNREC). The members and alternates shall be individuals and shall represent the following organizations and geographic areas in Kent County:

7 Voting members -	Levy Court Districts (pay)
1 Voting member and alternate voting member -	City of Dover
1 Voting member and alternate voting member -	City of Milford
1 Voting member and alternate voting member -	Town of Smyrna
1 Voting member and alternate voting member -	Camden-Wyoming Sewer & Water Authority
1 Voting member and alternate voting member -	DAFB Wing Commander
1 Voting member and alternate voting member -	D.N.R.E.C.

- (a) The term of each appointee shall run until a successor is determined.
- (b) Each Levy Court District appointee shall be a resident of the concerned district.
- (c) The Kent County Engineer shall serve as a non-voting Member and provide staff to the Board.

Section 2. Termination of Membership. Any member of the Board may terminate his/her membership at any time by notifying, in writing, the Chairperson of the Board. Unless otherwise specified in such notice, such resignation shall take effect upon receipt thereof by the Chairperson. Any member of the Board who fails to attend 75% of regular and special meetings of the Board in any 12 month period, without an excuse acceptable to the Chairperson, shall be deemed to have resigned and the vacancies shall be filled as herein provided by original appointment.

The unexcused absence of a member for three (3) consecutive regular meetings shall be deemed to constitute his/her resignation as a member. The Chairperson shall report the absence to the Levy Court. Membership revocation of any member may be recommended to the Levy Court at any time, for cause by a majority of the members, acting at a regular meeting, such termination to be effective upon approval of the Levy Court.

Bylaws
Section 3. Powers and Voting Rights. Each member of the Board shall be entitled to cast one vote. The Chairperson votes on all business of the Board.

ARTICLE V
COMPENSATION

Section 1. The Kent County government shall provide compensation in the amount of \$40.00 per meeting, not to exceed twelve (12) payments per year (or a total of \$480.00 annually), to members appointed by Commissioners to represent the 7 Levy Court Districts, exempting staff and representatives of the Town of Smyrna, the City of Dover, the City of Milford, the Camden-Wyoming Sewer & Water Authority, DAFB and DNREC. Checks will be issued on the last pay day of each quarter of the year. No out-of-pocket expenses or mileage will be reimbursed. Board members must be present at meetings to receive compensation.

Section 2. An annual organizational dinner meeting may be held with dinner paid for by the Kent County government (not to exceed dinner amount as specified in policy P-13A) for all members and staff who regularly attend meetings of the Board.

ARTICLE VI
ELECTION OF OFFICERS

Section 1. At its annual organization meeting in January, unless rescheduled by majority vote, the Board shall elect a Chairperson and Vice Chairperson, each of which shall serve until the next organizational meeting or until his/her successor shall be elected. In the event a Chairperson or Vice Chairperson is replaced on the Board in between organizational meetings, a special election shall be held.

Section 2. Chairperson and Vice Chairperson shall take office upon completion of the voting. Nominations for Chairperson and Vice Chairperson shall be made from the floor and elections shall follow immediately thereafter.

Section 3. The candidate receiving a majority vote shall be declared elected.

ARTICLE VII
DUTIES OF OFFICERS

Section 1. The Chairperson shall preside at all meetings and hearings of the Board, shall appoint all Committees of the Board (except as otherwise provided herein), and shall perform all of the duties normally conferred by parliamentary usage of such office as well as those duties specified by these By-Laws.

Section 2. The Chairperson shall be a voting member of the Board. He shall have the privilege of discussing all matters before the Board and of voting thereon.

ARTICLE VIII
MEETINGS

Section 1. Regular Meetings. Regular meetings of the Board are held at the Kent County Administration Building, 414 Federal Street, Dover, DE 19901 on the first Wednesday of each month.

Section 2. Special Meetings. Special meetings of the Board may be called at any time by the Chairperson or by a majority of members, subject to regulations of the Delaware Freedom of Information Act (29 Del. C. §10001 et. seq.).

Section 3. Notice of Meetings. Notice of each regular or special meeting shall comply with the requirements of the Delaware Freedom of Information Act (29 Del. C. §10001 et. seq.). Such notice shall be in writing, such notice shall be signed by the Chairperson of the Board (or County Engineer if so designated by the Chairperson), and unless otherwise required by law a copy thereof shall be served personally or by first class mail upon each member not less than seven (7) days nor more than 30 days before the meeting. Such notice shall include the agenda if available and the time and place of the meeting. Additionally, the meeting notice shall be posted on three (3) bulletin boards in the Kent County Administration Building.

Section 4. Quorum. At all meetings of the Board, the presence in person of seven (7) members shall be necessary and sufficient for a quorum. In the absence of a quorum, those present may, without notice other than by announcement at the meeting, adjourn the meeting from time to time, until a quorum shall be present. Passage of any motion shall require seven (7) affirmative votes.

Section 5. Organization. At each meeting of the Board, the chairperson, or in his/her absence the Vice Chairperson, or in the absence of both such officers, a person chosen by the members present, as long as the members present constitute a quorum, shall act as Chairperson and preside at the meeting. The Secretary, or in his/her absence any person whom the Chairperson may appoint as Secretary, shall act as Ssecretary at such meeting and keep the minutes thereof.

Section 6. Budget Process. At least 30 days prior to the first regular business meeting after January 1 of each year, staff shall provide to members of the Board copies of the proposed annual budget of the Kent County Sewer Fund and proposed annual impact fee allocation rates for the next ensuing fiscal year. The Budget Advisory Committee of the Board, established and appointed pursuant to Article IX, shall then commence a review of said proposed annual budget and said proposed annual impact fee allocation rates.

After reviewing said proposed annual budget and said proposed annual impact fee allocation rates, the Budget Advisory Committee may submit "comments" to the Board, provided that any such comments shall require four affirmative votes of the Committee, and/or the Budget Advisory Committee may submit "recommendations" to the Board for an increase or decrease in the total amount of any cost center in said proposed annual budget, provided that any such recommendations shall require five affirmative votes of the Committee.

Following the Budget Advisory Committee's review of said proposed annual budget and said proposed annual impact fee allocation rates, the Sewer Advisory Board shall commence a review of same. After reviewing said proposed annual budget and said proposed annual impact fee allocation rates, the Board may submit "comments" to the Levy Court, provided that any such comments shall require seven affirmative votes of the Board, and/or the Board may submit "recommendations" to the Levy Court for an increase or decrease in the total amount of any cost center in said proposed annual budget, provided that any such recommendations shall require eight affirmative votes of the Board.

The foregoing voting requirements shall apply only to reviews of the proposed annual budget of the Kent County Sewer Fund and reviews of annual impact fee allocation rates by the Budget Advisory Committee and the Sewer Advisory Board, respectively.

ARTICLE IX **BUDGET ADVISORY COMMITTEE**

Section 1. The Budget Advisory Committee of the Sewer Advisory Board is hereby established to assist and advise the Board on all fiscal or budgetary issues presented to or considered by the Board, including but not limited to reviews of the proposed annual budget of the Kent County Sewer Fund and reviews of annual impact fee allocation rates.

Section 2. There shall be seven voting members on the Budget Advisory Committee, all of whom shall be members of the Sewer Advisory Board. The membership of the Budget Advisory Committee shall be determined as follows:

The four members of the Sewer Advisory Board representing the Town of Smyrna, the City of Dover, the City of Milford, and the Camden-Wyoming Sewer & Water Authority shall all be members of the Budget Advisory Committee. The Chairperson of the Sewer Advisory Board shall also be a member of the Budget Advisory Committee, and he/she shall appoint, at his/her discretion, two additional members of the Budget Advisory Committee; provided, however, that if the Chairperson of the Sewer Advisory Board is also a representative of the Town of Smyrna, the City of Dover, the City of Milford, or the Camden-Wyoming Sewer & Water Authority, then he/she shall appoint,

at his/her discretion, three additional members of the Budget Advisory Committee, so that in any and all events, the Budget Advisory Committee shall at all times be comprised of seven voting members. Each member of the Budget Advisory Committee shall be entitled to cast one vote upon any business brought before the Committee.

The Chairperson of the Sewer Advisory Board shall also be the Chairperson of the Budget Advisory Committee. If the Chairperson of the Budget Advisory Committee is absent for any particular meeting of the Committee, then the Committee members present shall elect a member to preside over the meeting of the Committee.

The Kent County Engineer shall serve as staff to the Budget Advisory Committee.

Section 3. Any member of the Budget Advisory Committee who is not a representative of the Town of Smyrna, the City of Dover, the City of Milford, the Camden-Wyoming Sewer & Water Authority, DAFB, or DNREC shall be entitled to compensation for attendance at meetings of the Budget Advisory Committee in the same manner and amount as the 7 Levy Court District members of the Sewer Advisory Board under Article V above.

Section 4. Meetings of the Budget Advisory Committee shall be scheduled by the Chairperson of the Committee. There is no prescribed schedule of meetings. Notice of and conduct of meetings shall comply with the By-Laws of the Sewer Advisory Board and the Delaware Freedom of Information Act (29 Del. C. §10001 et. seq.).

Four members of the Budget Advisory Committee shall constitute a quorum of the Committee. Unless otherwise specified herein, a simple majority vote shall be required to pass any motion before the Committee.

Section 5. The Budget Advisory Committee shall abide by the same Rules of Order as govern the business of the Sewer Advisory Board under Article XII of these By-Laws.

ARTICLE X **ORDER OF BUSINESS**

The order of business at regular meetings of the Board shall be:

- Call to Order
- Roll Call and Determination of Quorum
- Minutes of the Previous Meeting and Action Thereon
- Report of Officers, Committees and Staff
- Old Business
- New Business
- Adjournment

ARTICLE XI
ASSISTANCE FROM AND COOPERATION WITH OTHER AGENCIES

The Board shall make use of the expert advice and information which may be furnished by appropriate State, Federal, or other officials, departments, or agencies.


ARTICLE XII
RULES OF ORDER

Except as otherwise provided by these By-Laws, the parliamentary rules of order set forth in the most recent edition of Mason's Manual of Legislative Procedures shall govern the proceedings of the Board.


ARTICLE XIII
AMENDMENTS

Any of these By-Laws may be amended, repealed, or modified, and new By-Laws may be adopted, by the affirmative vote of 9 members of the Board, at any meeting of the Board, subject to the approval of the Kent County Levy Court. Written notice of any proposed changes to these By-Laws shall be given to each member of the Board at least 14 days prior to any meeting at which such proposed changes are to be considered.

IN WITNESS WHEREOF, the foregoing By-Laws of the Regional Sewer Advisory Board of Kent County, Delaware are hereby adopted and approved by each of the parties whose hands and seals are set forth below.



Chairperson
Regional Sewer Advisory Board
DATE:



President
Kent County Levy Court
DATE: 5/28/96

ATTEST: 

County Engineer
DATE: 5/21/96

ATTEST: 

Clerk of the Peace
DATE: 5/28/96

