

MINUTES OF THE METROPOLITAN SEWERAGE DISTRICT BOARD

JULY 15, 1975

The regular monthly meeting of the Metropolitan Sewerage District Board was held in the old office of the Junior Chamber of Commerce on the First Floor, City Hall, Asheville, North Carolina, at 2 p.m., on Tuesday, July 15, 1975.

Chairman Robinson called the meeting to order, and Mrs. Duncan called the roll. The following members were present: Messrs. McDevitt, Dent, Dillingham, Warlick, Clark, Dawson, Smith, Williams, and Robinson.

In addition to the Board members, the following staff members and consultants were present:

Mr. Anthony Redmond  
Mr. L. E. Hoffmann  
Mr. Dean Huber  
Mr. W. H. Mull  
Mrs. Linda Duncan

The members having received copies of the Minutes of the June 17 meeting, Mr. Dawson moved the motion and Mr. Clark seconded that the Minutes stand approved as read. Vote was unanimous.

A proposed amendment to the By-Laws was presented by Mr. Redmond, redefining duties of the Secretary and Treasurer, establishing the office of Assistant Secretary-Treasurer, and modifying the wording of certain other sections. This proposed amendment was passed unanimously by roll-call vote, and a copy of the new By-Laws is attached and made a part of these Minutes.

Election of officers for the Fiscal Year 1975-76 was as follows:

- (a) Mr. Warlick made the motion, which was seconded by Mr. Dawson, that Mr. LeRoy Robinson be appointed Chairman. Mr. McDevitt moved to close the nominations, and Mr. Smith seconded the motion. The voice vote was unanimous; Mr. Robinson was elected by acclamation.
- (b) Mr. Clark made the motion, which was seconded by Mr. Dawson, that Mr. M. Leon Williams be appointed Vice-Chairman. Mr. McDevitt moved to close the nominations, and Mr. Smith seconded the motion. The voice vote was unanimous; Mr. Williams was elected by acclamation.
- (c) Mr. Larry McDevitt read a Resolution appointing Mr. George E. Dawson as Secretary-Treasurer and Mr. Ben H. Clark as Assistant Secretary-Treasurer. Roll-call vote was unanimous. Effective date for these two appointments is August 1, 1975. Mrs. Lenoir H. Swicegood will act as Secretary-Treasurer in the interim.

Mr. W. H. Mull, Engineer-Manager, reported on the following:

- (a) Notices mailed to domestic customers regarding new rates;
- (b) Correspondence with EPA regarding final payment on Sweeten Creek Project;

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- (c) Correspondence from EPA approving increased 201 Facilities Planning Grant;
- (d) Implementation of new cost-accounting system relative to User Charge Ordinance; and
- (e) Progress report on 201 Facilities planning.

A report on hospitalization insurance for MSD employees was given by Mr. Frank S. Smith. A recommendation will be made at the next Board meeting.

Mr. Redmond read a Resolution commending Consulting Engineers Don Newton of Greeley & Hansen and Lew Hoffman of Harry Hendon and Associates regarding their work on User Charge Regulations. The Resolution was passed unanimously by roll-call vote.

The Board adopted by unanimous roll-call vote a Resolution commending Mrs. Lenoir H. Swicegood for her outstanding service as Secretary to the Board. This Resolution will be signed by each Board member and presented to Mrs. Swicegood.

Date of the next meeting of the MSD Board was set for August 19, 1975.

There being no further business, the meeting was adjourned at 3:10 p.m.

  
Secretary

Proposed amendment to Article II, Section 1. of the By-laws of the Metropolitan Sewerage District of Buncombe County, North Carolina.

## ARTICLE II

### OFFICERS

#### Section 1. ELECTION OF OFFICERS:

For the purpose of carrying out the provisions of the North Carolina Metropolitan Sewerage Districts Act there shall be elected annually from the members of the District Board a Chairman, and a Vice-Chairman, and said Board shall appoint a Secretary and a Treasurer who may, but need not, be members of the District Board, and may appoint an Assistant Secretary and an Assistant Treasurer. The offices of Secretary and Treasurer may be combined in one person and, likewise, the offices of Assistant Secretary and Assistant Treasurer may be combined in one person. These officers shall serve for one year or until the first regular meeting of the District Board held in July of the next year or until their successors have been elected and have been appointed and qualify.

Proposed amendment to Article III, Sections 1. (c) and 1. (d) and add additional sub-section (e).

## ARTICLE III

### DUTIES OF OFFICERS

#### Section 1. DUTIES OF OFFICERS:

(c) Secretary. The Secretary shall attend all meetings of the District Board; shall keep an accurate and complete record of all meetings, hearings, and other transactions of the District Board; and shall perform such other duties as are required by law, any Bond Order or Resolution of the Board, or are assigned him by the District Board.

(d) Treasurer. The Treasurer shall attend all meetings of the District Board. Subject to any contrary provision of any Bond Order or Resolution of the Board: He shall have the care and custody of all funds of the Board and shall deposit all funds in the name of the Board in such member bank or banks of the Federal Deposit Insurance Corporation as the Board may select; he shall keep regular books of accounts showing receipts and disbursements and shall render to the Board at each regular meeting an account of his transactions and also of the financial condition of the District; he shall submit a complete financial statement at the first Board meeting after the close of the fiscal year or at the expiration of his term of office; he shall give such bond as the District Board may require, the premiums for which shall be paid out of the District Treasury. At the expiration of his term of office the Treasurer shall turn over to his successor all records, books, papers and moneys belonging to the District, taking a receipt therefor.

(e) Assistant Secretary-Assistant Treasurer. The Assistant Secretary shall perform the duties of the Secretary in the absence or disability of the Secretary. The Assistant Treasurer shall perform the duties of the Treasurer in the absence or disability of the Treasurer.

Proposed amendment to Article IV, Sections 1. and 2.

ARTICLE IV

DISBURSEMENT OF FUNDS.

Section 1. DISBURSEMENT OF FUNDS.

Except for checks drawn on its petty cash account which is or may hereafter be established by the Board, checks and orders for disbursement of funds shall be signed by the Chairman and countersigned by the Treasurer, or whoever shall be given authority by the Board to do so.

Section 2.

Article IV is hereby amended to change the title "Office Manager" in the last sentence of said section to "Engineer-Manager."

ARTICLE VII.

ORDER OF BUSINESS.

Section 1. ORDER OF BUSINESS:

Article VII is hereby amended to change the title "General Manager" in sub-section (d) of said section to "Engineer-Manager."

ARTICLE IX.

ADMINISTRATIVE OFFICER

Section 1. ADMINISTRATIVE OFFICER:

Amend by deleting the words "General Manager" and substituting therefor the words "Engineer-Manager."

Amend Article IX, Section 1. by amending sub-section (h) to read as follows:

(h) Perform such other duties as may be delegated to him by the District Board, and as required by any Bond Order or Resolution of the Board.

NORTH CAROLINA

Be it ordained by the District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, that under authority invested in said Board by provisions of the North Carolina Metropolitan Sewerage Districts Act (Chapter 795, Session Laws of 1961), the following be and constitute the By-laws for the regulation of its affairs and the conduct of its business.

ARTICLE I

THE BOARD

Section 1. NAME OF BOARD:

The name of the Board shall be Metropolitan Sewerage District of Buncombe County, North Carolina.

Section 2. OFFICE OF THE BOARD

The office of the Board shall be in the City Building, Asheville, North Carolina, or at such other place or places in the district as the Board may from time to time designate.

Section 3. SEAL:

The seal of the District Board shall be in the form of a circle and shall bear the name of the Board.

Section 4. FISCAL AND ADMINISTRATIVE YEAR:

The fiscal and administrative year of the District and District Board shall be from July 1st through June 30th of the following year.

ARTICLE II

OFFICERS

Section 1. ELECTION OF OFFICERS:

For the purpose of carrying out the provisions of the North Carolina Metropolitan Sewerage Districts Act there shall be elected annually from the members of the District Board a Chairman, and a Vice-Chairman, and said Board shall appoint a Secretary and a Treasurer who may, but need not, be members of the District Board, and may appoint an Assistant Secretary and an Assistant Treasurer. The offices of Secretary and Treasurer may be combined in one person and, likewise, the offices of Assistant Secretary and Assistant Treasurer may be combined in one person. These officers shall serve for one year or until the first regular meeting of the District Board held in July of the next year or until their successors have been elected and have been appointed and qualify.

Section 2. VACANCIES:

Should the office of Chairman or Vice-Chairman become vacant the Board shall elect a successor from its membership at its next regular meeting and such election shall be for the unexpired term of said office.

ARTICLE III

DUTIES OF OFFICERS

Section 1. DUTIES OF OFFICERS:

The duties of the officers shall be as follows:

(a) Chairman. The Chairman shall call and preside at all regular and special meetings of the District Board. He shall appoint the Chairman and members of all Committees and shall be an ex officio member of all such Committees. He shall perform such other duties as may come within the jurisdiction of his office. At each meeting the Chairman shall submit such recommendations and information as he may consider proper concerning the business, affairs and policies of the Board.

(b) Vice-Chairman. The Vice-Chairman shall preside at meetings and perform the duties of the Chairman in the absence or incapacity of the Chairman. He shall perform such other duties as may be assigned to him by the Chairman or the District Board.

(c) Secretary. The Secretary shall attend all meetings of the District Board; shall keep an accurate and complete record of all meetings, hearings, and other transactions of the District Board; and shall perform such other duties as are required by law, any Bond Order or Resolution of the Board, or are assigned him by the District Board.

(d) Treasurer. The Treasurer shall attend all meetings of the District Board. Subject to any contrary provision of any Bond Order or Resolution of the Board: He shall have the care and custody of all funds of the Board and shall deposit all funds in the name of the Board in such member bank or banks of the Federal Deposit Insurance Corporation as the Board may select; he shall keep regular books of accounts showing receipts and disbursements and shall render to the Board at each regular meeting an account of his transactions and also of the financial condition of the District; he shall submit a complete financial statement at the first Board meeting after the close of the fiscal year or at the expiration of his term of office; he shall give such bond as the District Board may require, the premiums for which shall be paid out of the District Treasury. At the expiration of his term of office the Treasurer shall turn over to his successor all records, books, papers and moneys belonging to the District, taking a receipt therefor.

(e) Assistant Secretary-Assistant Treasurer. The Assistant Secretary shall perform the duties of the Secretary in the absence or incapacity of the Secretary. The Assistant Treasurer shall perform the duties of the Treasurer in the absence or incapacity of the Treasurer.

ARTICLE IV

DISBURSEMENT OF FUNDS

Section 1. DISBURSEMENT OF FUNDS:

Except for checks drawn on its petty cash account which is or may hereafter be established by the Board, checks and orders for disbursement of funds shall be signed by the Chairman and countersigned by the Treasurer, or by such other person or persons to whom such authority may from time to time be given by Resolution of the District Board.

Section 2.

All persons from time to time having authority to sign checks and orders for disbursement of funds of the District shall be bonded for the faithful performance of their duties as the Board may prescribe. The Vice-Chairman is authorized to sign such checks and orders in lieu of either the Chairman or Treasurer in the absence or incapacity of one of these officers. The Engineer-Manager is authorized to sign checks drawn on the petty cash account up to and including one hundred dollars (\$100).

ARTICLE V

MEETINGS

Section 1. MEETINGS:

The regular meetings of the District Board shall be held at such place or places as may be determined by the Board and shall be held on the third Tuesday of each month. Special meetings of the District Board may be called by the Chairman on his own initiative and shall be called by him upon request of two or more members of the Board. All members shall be notified in writing at least twenty-four hours in advance of such meetings.

ARTICLE VI

MINUTES

Section 1. MINUTES:

The Minutes of all regular and special meetings of the District Board shall be mailed to each member of the Board not later than ten days following such meetings.

ARTICLE VII

ORDER OF BUSINESS

Section 1. ORDER OF BUSINESS:

The order of business for the regular meetings shall be:

- (a) Call to Order and Roll Call.
- (b) Reading of Minutes of previous meeting.
- (c) Bills and Communications.
- (d) Report of the "Engineer-Manager."
- (e) Report of Officers.
- (f) Report of Standing Committees.
- (g) Report of Special Committees.
- (h) Agenda by the Chairman:
  1. Unfinished Business.
  2. New Business.
- (i) Adjournment.

ARTICLE VIII

PROCEDURE AND MANNER OF VOTING

Section 1. PROCEDURE:

Except as otherwise provided by law or in these By-laws the District Board shall be governed by the Rules of Parliamentary Practices as contained in "Roberts' Rules of Order."

Section 2. MANNER OF VOTING:

The voting on all questions coming before the Board shall be by roll call and the "Yeas" and "Nays" shall be entered upon the minutes of such meeting except in the case of elections when the vote may be by ballot.

ARTICLE IX

ADMINISTRATIVE OFFICER

Section 1. ADMINISTRATIVE OFFICER:

The District Board shall appoint a full-time "Engineer-Manager," who shall serve at the pleasure of the District Board as administrative officer of the District. He shall be a well qualified engineer, fully trained and experienced in the field of sewage and industrial waste collection and disposal, and shall receive a salary as fixed by the District Board. He shall supervise the work of the District and perform the following duties in the name of and for the purpose of carrying out the business of the District, excepting such powers as are reserved to the Board itself under the provisions of General Statutes 162A-69 and subject to the approval of said Board, he shall have the authority to:

- (a) Select, employ, and discharge, should it become necessary, such clerical, and other subordinate personnel as may be required to do the work of the District as provided for in the Act. He shall recommend to the District Board the employment of special consultants as may from time to time be considered necessary;
- (b) Authorize the payment of employees' salaries and wages and sign travel expense vouchers of the District personnel and the members of the District Board;
- (c) Authorize the purchase of necessary supplies, apparatus, and equipment for use in performing the work of the District;
- (d) Prepare notices of public hearings and/or other meetings and have such notices published in accordance with the requirements of the Statutes or the policies of the District Board;
- (e) Prepare for consideration by the District Board all forms, reports, recommended budgets, rules and regulations, etc., which may be necessary to the proper operation of the business of the District;
- (f) Handle all correspondence, requests for services, and other matters relating to the administration of the affairs of the District;
- (g) Keep all records of the District and codify from time to time such rules and regulations as may be adopted by the District Board;
- (h) Perform such other duties as may be delegated to him by the District Board, and as required by any Bond Order or Resolution of the Board.

ARTICLE X

AMENDMENTS

Section 1. ADMENDMENTS:

These By-laws, or any part thereof, may be amended at the pleasure of and by a majority vote of the members of the District Board present and voting, provided a quorum is present.

Adopted in regular session July 15, 1975.



# MSD Metropolitan Sewerage District of Buncombe County, North Carolina.

W. H. Mull, P. E., Engineer-Manager  
P.O. Box 7157, Asheville, N. C. 28807  
Telephone: Area Code 704-255-5383



C. LeRoy Robinson, Asheville  
Chairman  
M. Leon Williams, Black Mountain  
Vice Chairman  
P. P. Dillingham, Woodfin  
George E. Dawson, Asheville  
Ben Clark, Weaverville  
Paul W. Warlick, Biltmore Forest  
D. Frank Hyatt, Jr., Asheville  
Charles M. Dent, Buncombe Co.  
Larry S. McDevitt, Buncombe Co.  
Frank S. Smith III, Buncombe Co.

July 15, 1975

I, Lenoir H. Swicegood, Secretary to the District  
Board of the Metropolitan Sewerage District of Buncombe County,  
North Carolina, DO HEREBY CERTIFY that the attached copy is a  
true and correct copy of the RESOLUTION adopted by the Metro-  
politan Sewerage District Board at their regular meeting held  
July 15, 1975.

WITNESS, my hand and seal of said District this 15  
day of July 15, 1975.

Signed by

*Lenoir H. Swicegood*  
Secretary

Metropolitan Sewerage District  
of Buncombe County

R E S O L U T I O N

WHEREAS, this is a resolution appointing a Secretary-Treasurer and an Assistant Secretary-Assistant-Treasurer of the District Board of the Metropolitan Sewerage District for Buncombe County, North Carolina.

BE IT RESOLVED, that Mr. George E. Dawson be and he is hereby appointed Secretary and Treasurer of the District Board of the Metropolitan Sewerage District for Buncombe County, N. C.

BE IT FURTHER RESOLVED that Mr. Ben H. Clark be and he is hereby appointed Assistant Secretary and Assistant Treasurer of the District Board of the Metropolitan Sewerage District of Buncombe County, N. C.

BE IT FURTHER RESOLVED that said officers perform such duties as may be required of them as set forth in Article III, Section 1., sub-sections (c) (d) (e), of the By-Laws.

BE IT FURTHER RESOLVED that these appointments be effective as of the 1st day of August, 1975.

METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY  
(Name of Corporation)

I, the undersigned, hereby certify to The Bank of Asheville, Asheville, N. C.  
(Name of Bank)

that I am the Secretary (Assistant Secretary) of Metropolitan Sewerage District of Buncombe County (Name of Corporation)

a corporation duly organized and existing under the laws of the state of N. C.; that the following is a true copy of a resolution duly adopted by the Board of Directors of said Corporation

at a meeting duly held on the 15th day of July, 1975, at which a quorum was present; and that such resolution has not been rescinded or modified.

RESOLVED: That the above Bank, as a designated depository of this corporation, be, and it is hereby requested, authorized, and directed to honor checks, drafts, or or other orders for the payment of money drawn in this corporation's name, including those payable to the individual order of any person or persons whose name or names appear thereon as signer or signers thereof,

when bearing or purporting to bear the facsimile signature(s) of any 1 of the following:

NAME	TITLE
<u>George E. Dawson</u> (George E. Dawson) ✓	<u>Secretary-Treasurer</u>
<u>Ben H. Clark</u> (Ben H. Clark) ✓	<u>Assistant-Secretary-Treasurer</u>

and the above Bank shall be entitled to honor and charge this corporation for such checks, drafts or other orders, regardless of by whom or by what means the actual or purported facsimile signature or signatures thereon may have been affixed thereto, if such signature or signatures resemble the facsimile specimens duly certified to or filed with the above Bank by the Secretary or other officer of this corporation.

I further certify that there is no provision in the Charter or By-Laws of said Corporation limiting the power of the Board of Directors to pass the foregoing resolution and that the same is in conformity with the provisions of said Charter and By-Laws.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said corporation this

15th day of July, 1975.

George E. Dawson ✓  
Secretary (Assistant Secretary)

(CORPORATE SEAL)