



## **BYLAWS OF THE WATER AND WASTEWATER COMMISSION**

### **ARTICLE 1. NAME.**

The name of the City Commission is Water and Wastewater Commission.

### **ARTICLE 2. PURPOSE AND DUTIES.**

(A) The purpose of the Water and Wastewater Commission is to:

- (1) review, analyze, and advise the City Council on the policies and resources relating to the city water and wastewater utility and water quality; and
- (2) assist the City Council in ensuring that the City's residents are provided with an adequate, economical, and potable supply of water and a stable, economical and environmentally safe system of wastewater disposal.

(B) The commission shall act as an advisory body to the City Council and shall review programs and make recommendations regarding:

- (1) the protection and integrity of the water resources for the City;
- (2) minimization of water quality impacts to downstream areas;
- (3) implementation of programs that achieve goals and objectives relating to water supply management, water demand management, and land water quality control;
- (4) the fiscal solvency of said programs; and
- (5) the fiscal health of the utility.

(C) The commission may conduct an annual review of the commission's goals and objectives, and the activities needed to achieve these goals and objectives in the following areas, for the year covered by the program:

- (1) water supply distribution;
- (2) water demand and conservation management;
- (3) wastewater treatment and collection;

- (4) water quality;
- (5) service area master planning and capital improvement project development;
- (6) utility operating budget;
- (7) rates and fees; and
- (8) citizen education.

(D) The commission may review and make reports and recommendations to the City Council, or other appropriate Boards and Commissions, concerning the following matters:

- (1) water and wastewater capital improvement program proposals;
- (2) water and wastewater bond programs;
- (3) monitoring of capital recovery fee revenues on a quarterly basis, and review of capital recovery fee dollar amount on an annual basis from the effective date of capital recovery fee ordinance;
- (4) review of the City's annual budget proposal for the water and wastewater utility;
- (5) quarterly review of water and wastewater ending balances;
- (6) cost effectiveness and financial impact on water supply and water conservation programs;
- (7) water and wastewater tap and connection fees;
- (8) quarterly review of the utility's total bonded indebtedness, including:
  - (a) contracts bonds approval, issuance, and expenditure: proposed and approved by Council action, and issued;
  - (b) revenue bonds approval, issuance and expenditure: proposed and approved by Council action, and issued; and
  - (c) municipal utility district bonds;
- (9) water and wastewater service extension requests and policy;
- (10) water treatment water supply, capacity, and demand projections;
- (11) water and wastewater treatment capacity, loadings, and effluent quality and quantity by the City on a monthly basis;
- (12) proposed and existing wastewater package treatment plants within the City's extraterritorial jurisdiction;

- (13) desired service areas that the City should serve and the timing of the service;
  - (14) creation of area package treatment plant and alternative wastewater system conservation proposals;
  - (15) creation or modification of municipal utility districts, water control and improvement districts, and all other entities authorized by the Texas Water Code;
  - (16) water and wastewater treatment processes;
  - (17) review and recommendation to the City Council regarding all water and wastewater rates and fees;
  - (18) annual review of the effectiveness of erosion and sedimentation controls and drainage criteria in protecting water quality; and
  - (19) monthly review of water and wastewater discharge by the City.
- (E) The commission may obtain information from the Water Utility and communicate to the City Council as follows:
- (1) coordination with staff to develop programs to implement commission duties and responsibilities;
  - (2) evaluation of the economic feasibility and impacts of commission goals and objectives programs;
  - (3) coordination with the staff time and resource requirements for liaison activities with the commission;
  - (4) policy and budgetary recommendations to the city council relating to program implementation;
  - (5) periodic review of staff progress toward successful completion of utility programs;
  - (6) review of staff reports and studies relating to commission programs, including economic and rate impacts and environmental effects;
  - (7) review of development of program implementation strategies; and
  - (8) review of monitoring and enforcement of programs.
- (F) The commission shall promote close cooperation and open communication between the city council, other city boards, commissions and committees, City departments and individuals, and institutions and agencies concerned with the policies and procedures and operation, maintenance and construction of the Water and Wastewater Utility so that all similar activities in the City may be coordinated to secure the greatest public welfare.

### ARTICLE 3. MEMBERSHIP.

- (A) The commission is composed of ~~seven (7)~~ **eleven (11)** members appointed by the city council.
- (B) A member serves at the pleasure of the city council.
- (C) Commission members serve for a term of ~~three~~ **four** years beginning ~~August~~ **March** 1st on the year of appointment..
- (D) An individual commission member may not act in an official capacity except through the action of the commission.
- (E) A commission member who is absent for three consecutive regular meetings or one-third of all regular meetings in a rolling twelve month timeframe automatically vacates the member's position subject to the holdover provisions in Sections 2-1-27 of the City Code. This does not apply to an absence due to illness or injury of the commission member's, an illness or injury of a commission member's immediate family member, **active military service** or the birth or adoption of the commission member's child for 90 days after the event. The commission member must notify the staff liaison of the reason for the absence not later than the date of the next regular meeting of the commission. Failure to notify the liaison before the next regular meeting of the commission will result in an unexcused absence.
- (F) At each meeting, each commission member shall sign an attendance sheet which indicates that the member does not have a conflict of interest with any item on that agenda, or identifies each agenda item on which the member has a conflict of interest. Failure to sign the sheet results in the member being counted as absent and his/her votes are not counted.
- (G) A member who seeks to resign from the commission shall submit a written resignation to the chair of the commission, the staff liaison, or the city clerk's office. If possible, the resignation should allow for a thirty day notice so the city council can appoint a replacement.

### ARTICLE 4. OFFICERS.

- (A) The officers of the commission shall consist of a chair and a vice-chair.
- (B) Officers shall be elected annually by a majority vote of the commission at the first regular meeting after ~~October~~ **April** 1st. In the event a current officer becomes ineligible to serve as an officer, the board may hold an emergency election as needed.
- (C) The term of office shall be one year, beginning ~~November~~ **May** 1st and ending ~~October~~ **April 30<sup>th</sup>**. An officer may continue to serve until a successor is elected. A person may not serve as an officer in a designated position of a board for more than ~~three~~ **four** consecutive one-year terms. A person who has served as an officer in a designated position of a board for ~~three~~ **four** consecutive terms is not eligible for re-election to that designated office until the expiration of two years after the last date of the person's

service in that office. The commission may override the term limit provision for an officer by an affirmative of two-thirds of the authorized commission members.

(D) A member may not hold more than one office at a time.

#### **ARTICLE 5. DUTIES OF OFFICERS.**

(A) The chair shall preside at commission meetings, appoint all committees, and represent the commission at ceremonial functions and approve each final meeting agenda.

(B) In the absence of the chair, the vice-chair shall perform all duties of the chair.

#### **ARTICLE 6. AGENDAS.**

(A) Two or more commission members may place an item on the agenda by oral or written request to the staff liaison at least five days before the meeting. After first consulting with and receiving input from the staff liaison, the chair shall approve each final meeting agenda.

(B) The staff liaison shall submit the meeting agenda through the online agenda posting system for each meeting not less than 72 hours before the meeting.

(C) Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

#### **ARTICLE 7. MEETINGS.**

(A) The commission meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

(B) Commission meetings shall be governed by Robert's Rules of Order.

(C) The commission may not conduct a closed meeting without the approval of the city attorney.

(D) The commission shall meet monthly. In November of each year, the commission shall adopt a schedule of the meetings for the upcoming year, including makeup meeting dates for the holidays and cancelled meetings.

(E) The chair may call a special meeting, and the chair shall call a special meeting if requested by three or more commission members. The call shall state the purpose of the meeting. A commission may not call a meeting in addition to its regular scheduled meetings as identified in its adopted meeting schedule, more often than once a quarter, unless the meeting is required to comply with a statutory deadline or a deadline established by Council.

(F) ~~Four~~ (4) **Six (6)** members constitute a quorum.

(G) If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting, then the meeting may not be held.

- (H) To be effective, a commission action must be adopted by affirmative vote of the number of members necessary to provide a quorum.
- (I) The chair has the same voting privilege as any other commission member.
- (J) The commission shall allow citizens to address the commission on agenda items and during a period of time set aside for citizen communications. The chair may limit a speaker to three minutes.
- (K) The staff liaison shall prepare the commission minutes. The minutes of each commission meeting must include the vote of each member on each item before the commission and indicate whether a member is absent or failed to vote on an item.
- (L) The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The Austin Water Utility shall retain all other board documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).
- (M) The chair shall adjourn a meeting not later than 10:00 p.m., unless the commission votes to continue the meeting.
- (N) Each person and commission member attending a board meeting should observe decorum pursuant to Section 2-1-48 of the City Code.
- (O) A member of the public may not address a commission at a meeting on an item posted as a briefing.

## **ARTICLE 8. COMMITTEES/WORKING GROUPS.**

- (A) The Water and Wastewater Commission shall have the following committees.

### **Budget Committee:**

The Budget Committee shall consist of members of the Water and Wastewater Commission. Its mission is to work with staff and act as an advisory committee, on behalf of the commission, in reviewing the development and implementation of each fiscal year's budget. Its goal is to meet when the draft budget for each fiscal year is prepared and finalized and upon staff's request to provide input and report back to the commission.

- (B) Each committee must be established by an affirmative vote of the commission. A committee cannot meet until its creation is approved by the Council Audit and Finance Committee. Each committee shall consist of at least three commission members appointed by the chair. A staff member shall be assigned to each committee by the Director of Austin Water.
- (C) The Commission chair shall appoint a commission member as the committee chair, with the member's consent.

- (D) A majority of the total number of appointed committee members constitutes a quorum.
- (E) Each committee shall meet on a regularly scheduled basis at least quarterly.
- (F) Each committee shall make an annual report to the commission at the January Commission meeting.
- (G) Committee meetings must be posted in accordance with Texas Government Code Chapter 551 (Texas Open Meetings Act).
- (H) At each committee meeting, a committee member shall sign in on a sheet provided and shall indicate that the member has no conflict of interest with any item on the committee meeting agenda, or identify each agenda item on which the member has a conflict of interest.

#### WORKING GROUPS

- (A) The board can determine the size of a working group but the number of commission members serving on the working group must be less than a quorum of the board.
- (B) A working group may designate a chair, with the member's consent, but is not required to do so.
- (C) Quorum requirements do not apply to working groups.
- (D) Staff support will not be provided for working groups.
- (E) Working groups are not required to post their meetings in accordance with the Texas Government Code Chapter 551 (Texas Open Meetings Act).

#### **ARTICLE 9. PARLIAMENTARY AUTHORITY.**

The rules contained in the current edition of Robert's Rules of Order shall govern the Commission in all cases to which they are applicable, except when inconsistent with these bylaws or with special rules of order which the Commission or City Council may adopt.

#### **ARTICLE 10. AMENDMENT OF BYLAWS.**

A bylaw amendment is not effective unless approved by the City Council Audit and Finance Committee.

The bylaws were approved by the Water and Wastewater Commission at their meeting held on **November 10, 2015.**

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Felicia Cancino

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Date

Commission Staff Liaison