

LAGRANGE COUNTY REGIONAL UTILITY DISTRICT
By-Laws

Section 1 Definitions

- 1.1 “District” shall mean the LaGrange County Regional Utility District.
- 1.2 “Board” shall mean the Board of Trustees of the LaGrange County Regional Utility District.
- 1.3 “Membership” shall mean the entire number of Trustees.

Section 2 General Matters

- 2.1 Offices: The Board may from time to time establish offices of the District or branches of the District’s business at whatever place or places are deemed necessary.
- 2.2 Records: The minute book of the District, a copy of the District's By-Laws, and all other documents pertaining to the operation of the District shall be maintained by the officers and agents of the District and made available to all persons in a manner consistent with federal and state law pertaining to records management and availability.
- 2.3 Accounting Year: The accounting year for the District shall be from January 1 through the following December 31.

Section 3 Board of Trustees

- 3.1 Authority: Pursuant to I.C. 13-26-4-1, the Board is the governing body of the District and may exercise any of the powers enumerated by statute, including, but not limited, to those powers enumerated in I.C. 13-26-5-2.
- 3.2 Composition: The membership of the Board shall be composed of five (5) Trustees.
- 3.3 Election of officers: The Board shall elect officers from its membership at the first regular meeting of each calendar year. No member shall hold the same office for more than three consecutive terms. The Board shall fill vacancies in an office, subject to item 3.4.2 and item 4.4 of these By-Laws, at the earliest regularly scheduled meeting of the Board immediately following the point in time when the Board has a vacant office and five (5) Trustees sitting, in the same manner in which officers are elected at the first regular meeting each calendar year.
- 3.4 Officers: The officers of the Board and the duties of each officer are as follows:

- 3.4.1 President: The President shall preside at all meetings and hearings of the Board and shall have the duties normally performed by such an officer. He or she shall have the privilege of discussing all matters before the Board and of voting thereon. The President shall have such other powers and perform such other duties, not inconsistent with these By-Laws, as the Board may from time to time prescribe.
- 3.4.2 Vice President: In the absence of the President, the Vice President shall act for and have all of the duties and responsibilities of the President. In the event of the death, resignation, or removal of the President, the Vice President shall succeed to the powers and duties of the President.
- 3.4.3 Secretary-Treasurer: The Secretary-Treasurer shall have the power to act as secretary to the Board and shall keep or cause to be kept minutes of all meetings of the Board. In addition, the Secretary-Treasurer shall sign all official documents of the Board; have charge of the minute book and of the other books, records, and papers of the District relating to its organization as a district; see that reports, statements, and other documents required by law are properly kept and filed; and perform all duties incident to the office of Secretary-Treasurer.

The Secretary-Treasurer also shall have the power to act as treasurer of the District and shall take charge and custody of the funds of the District and disburse those funds in the ordinary course of business and shall keep accurate books of account thereof. In addition, the Secretary-Treasurer shall have the power, with the consent of the Board, to appoint deputies for the purpose of assessing and collecting usage fees.

The Secretary-Treasurer also shall have such other powers and perform such other duties, not inconsistent with these Bylaws, as the Board may from time to time prescribe.

- 3.4.4 Ex-Officio Members: The LaGrange County Health Administrator, LaGrange County Surveyor, LaGrange County Planner, LaGrange County Highway Engineer, the LaGrange County Attorney and one member of the LaGrange County Commissioners may serve in an advisory capacity as ex-officio board members without the power to vote with respect to Board business, or to hold office on the Board.

Section 4 Appointment and Removal of Trustees

- 4.1 Authority: Pursuant to I.C. 13-26-4-3 and the order of the Indiana Department of Environmental Management dated October 9, 1990, Trustees of the District shall be appointed by the LaGrange County Commissioners.

4.2 Representation: It is the intent of the Board that, to the extent possible, representation should be distributed geographically among the areas of the District that are now being served or that will be served in the future. The Board accordingly designates that one Trustee who owns property therein should be appointed from each of the following service areas:

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| Region A | Comprising the territory around or near Atwood Lake, Hackenburg Lake, Dallas Lake, Martin Lake, Messick Lake, Oliver Lake. |
| Region B | Comprising the territory around or near Big Long Lake, Big Turkey Lake, Blackman Lake, Lake of the Woods, Little Turkey Lake, McClish Lake, and Pretty Lake and territory in, around, or near South Milford, Elmira, and Stroh. |
| Region C | Comprising the territory around or near Cedar Lake, North Twin Lake, and South Twin Lake and in, around, or near Ontario and Howe. |
| Region D | Comprising the territory around or near Fish Lake (northwest LaGrange County), Stone Lake, and Shipshewana Lake. |
| Region F | Comprising the territory around or near Fish Lake (southeast LaGrange County) and Royer Lake |

4.3 Terms of Office: The term of office of a Trustee is four (4) years, beginning at noon on January 1 after his or her appointment and continuing until his or her successor is appointed and qualified. It is the intent of the Board, in compliance with the order of the Indiana Department of Environmental Management, dated October 9, 1990, that the terms of office of the Trustees shall be staggered in the manner required by the order and established by the past practice and policy of the District.

4.4 Vacancy: Whenever a vacancy occurs in the office of Trustee, said vacancy shall be filled by appointment of the LaGrange County Commissioners of a qualified individual to complete the unexpired term, subject to item 4.2 of these bylaws.

4.5 Removal: Any Trustee sitting by appointment of the LaGrange County

Commissioners may be removed from office by the LaGrange County Commissioners for cause.

- 4.5.1 For the purpose of this item, cause shall be any action or inaction of any Trustee that produces, incurs, or results in the substantial diminution of the Trustee's ability or willingness to perform his or her duties, impairs the ability or willingness of any other Trustee or the Board to perform his, her, or its duties or brings discredit upon the Board, the District, or the County. Cause may include, but shall not be limited to, the following: excessive absence from Board meetings; physical or mental inability to perform the requirements of office; personality characteristics which substantially limit the Trustee's ability to perform his or her duties or his or her fellow Trustees' ability to perform their duties, or, which severely handicap the administration of the Board or District; conviction of a felony; and action or inaction that severely limits or prohibits the implementation of Board decisions or policies.
- 4.5.2 The Board or the LaGrange County Commissioners may initiate proceedings to remove a Trustee.
- 4.5.3 Removal shall occur only after the following measures have been taken: A statement in writing of the specific alleged cause or causes for removal of a respondent Trustee shall be filed with the LaGrange County Commissioners and a copy of said statement shall be served upon the respondent Trustee. The respondent Trustee shall be given opportunity to respond to the alleged cause or causes in writing. The LaGrange County Commissioners shall hold a hearing for the purpose of considering the request for removal after giving notice of said hearing or causing notice of said hearing to be served on the respondent Trustee. In the event, the LaGrange County Commissioners decide to remove the respondent Trustee, they shall enter a formal order of removal upon their records, stating therein the specific grounds and causes for removal and, at or before the removal is to become effective, shall deliver or cause to be delivered a copy of said order, certified to be true and correct, to the respondent Trustee.

Section 5 Meetings

- 5.1 Regular Meetings: The Board shall determine when and how often it shall meet, but it shall nevertheless meet regularly throughout the calendar year.
- 5.2 Special Meetings: Special meetings may be called by the President or by two members of the Board. In the event a special meeting is called, the following procedures shall be followed:

- 5.2.1 Notice of a special meeting shall be given in a manner that is, in all ways, consistent with the requirements of the Indiana Open Door Act, I.C. 5-14-1.5-1 *et seq.*
- 5.2.2 Notice shall specify the purpose of the Special Meeting and shall be given to all Trustees.
- 5.2.3 No other business may be considered except by unanimous consent of the Board.
- 5.3 Quorum: A majority of the membership of the Board shall constitute a quorum.
- 5.4 Voting: Trustees shall vote by voice vote, unless a roll call vote is requested by any Trustee. In any event, the Secretary-Treasurer or his or her designee shall record the results of each vote, and, in the case of a roll-call vote, the name of each Trustee and how he or she voted.
- 5.5 Official Action: The Board acts when a majority of the membership authorizes an action.
- 5.6 Open Meetings: All meetings of the Board shall be open to the public, except when an executive session is called for the purposes enumerated by statute.
- 5.7 Conflict of Interest: Each Trustee shall conduct himself or herself in a manner consistent with Indiana statutes and regulations pertaining to conflicts of interest and ethical behavior by local public officials. Whenever a Trustee becomes aware of a conflict of interest, as that term is defined by Indiana statutes and regulations pertaining to conflicts of interests by local public officials, he or she shall make such a conflict known to the other Trustees and disqualify himself or herself from deliberating and/or voting on the matter that is the subject of the conflict and the fact of disqualification shall be entered in the records of the Board.

Section 6 Public Hearings

- 6.1 Procedure: Public hearings shall proceed as follows:
 - 6.1.1 The President shall open the public hearing.
 - 6.1.2 Petitioners and persons appearing in support of a petition shall have a total of fifteen (15) minutes for the presentation of evidence, statements, and arguments in support of a petition before the Board.
 - 6.1.3 Thereafter, remonstrators and persons appearing in opposition to the petition shall have a total of fifteen (15) minutes for the presentation of

evidence, statements, and arguments in opposition to the petition before the Board.

6.1.4 Thereafter, the petitioner shall have a total of five (5) minutes for rebuttal of evidence, statements, and arguments. No new evidence or information may be introduced during this portion of the hearing.

6.1.5 The President shall declare the public hearing closed.

6.2 Management of Time: The President, with the consent of the Board, may extend or shorten the periods stated in item 6.1 in order to efficiently manage time or ensure a fair hearing.

6.3 Admissibility of Evidence: The President shall rule on all questions relating to the admissibility of evidence. Any such decision may be overruled by a majority vote of the Board.

6.4 Public Record: All evidence presented at the hearing shall be retained by the Board and shall be part of the public record for such time period as required by law.

6.5 Legal Notice: The Secretary-Treasurer shall cause legal notice of a public hearing to be published in the manner required by Indiana statute when publication is required by Indiana statute.

6.6 Prior Contact: No person shall communicate with any Trustee before or after a public hearing with the intent of influencing the Trustee's action on the matter pending before the Board.

Section 7 Procedural Rules

The Board shall conduct its meetings and hearings in an orderly fashion following the basic principles of procedure expressed in the most recent edition of *Roberts Rules of Order*, except to the extent that doing so would conflict with any federal, state, or local law, which would then prevail.

Section 8 Amendments/Waiver of Rules

8.1 Amendments: These By-Laws may be amended only by a majority vote of the membership of the Board. Any amendment shall be approved by a majority of the LaGrange County Commissioners.

8.2 Waiver of Rules: With the exception of requirements pertaining to record-keeping and notice, which may not be waived, the Board may waive the rules of procedure or these By-Laws as they pertain to Regular Meetings, Special

Meetings, or Public Hearings upon its own motion or upon the request of an interested party for good cause. Waiver is effective upon an affirmative vote by a majority of the membership of the Board.

Section 9 Authority and Effect

9.1 These By-Laws are enacted pursuant to the authority granted to the District by I.C. 13-26-5-2(4); I.C. 13-26-5-3, I.C. 13-26-5-4, and any subsequent amendments thereto.

9.2 These By-Laws supersede and replace any previously enacted by-laws of the District.

[Signatures follow on the next page.]

ALL OF WHICH IS APPROVED THIS _____ DAY OF _____, 2008


LAGRANGE COUNTY
REGIONAL UTILITY DISTRICT
BOARD OF TRUSTEES



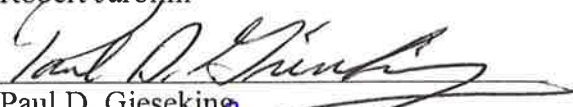
Jack Dold



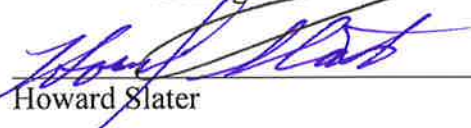
Michael R. Sutter



Robert Jarolim




Paul D. Giesecking



Howard Slater


ATTEST:



Robert Jarolim

APPROVED:
2-17-2009

LaGRANGE COUNTY
BOARD OF COMMISSIONERS



George R. Bachman



Phillip D. Curtis

ATTEST:



Jackie S. Boyle

Roger W. Boots