

MINUTES OF METROPOLITAN SEWERAGE DISTRICT BOARD

BY-LAW CHANGES. SEPARATION OF SECRETARY-TREASURER
LETTER FROM MR. WALKER RE: ENGINEERING FIRM
DISCUSSION FOR PROVIDING FUNDS FOR OPERATION & DEBTS

The meeting of the Metropolitan Sewerage District Board was held in the Board Room, City Building, Asheville, North Carolina at 2:00 p. m. on Tuesday, April 17, 1962.

The meeting was called to order by Mr. Koon, Chairman. The following members were present: Mr. Adams, Mr. Finch, Mr. Garrison, Mr. Koon, Mr. Peterson, Mr. Reagan, Mr. Robinson, Mr. Spicer, Mrs. Swicegood, and Mr. Tandy.

Upon motion of Mr. Koon, seconded by Mr. Finch, the reading of the minutes was dispensed with by a unanimous vote.

The following changes were made in the proposed By-laws:

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 Chairman and countersigned by Treasurer.

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 Office Manager is authorized to sign checks drawn on the petty cash account up to and including one hundred dollars (\$100).

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.

Minutes

April 17, 1962

Page 2

- (d) Report of the "General 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 IX

ADMINISTRATIVE OFFICER

Section 1. ADMINISTRATIVE OFFICER:

The District Board shall appoint a full-time "General 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 153-300 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.

It was moved by Mr. Spicer that the By-laws with the above changes be accepted and the motion was seconded by Mr. Adams. It was unanimously approved.

In order to clarify the status of each, it was moved by Mr. Adams and seconded by Mr. Peterson that Mr. Spicer be named as Treasurer and Mrs. Swicegood as Secretary. This motion was unanimously approved.

Upon request of Chairman Koon, a report was made by Mr. Walker, Engineer, listing ten consulting engineers with whom he had conferred as possible consulting engineers for the proposed project (see attached letter). In accordance with Mr. Walker's suggestion, Chairman Koon appointed the following Committee: Mr. Robinson, Chairman, Mr. Peterson and Mr. Tandy, to confer with the Engineer to select three firms to go over the preliminary work and report back to the Board. This motion was made by Mr. Spicer and seconded by Mr. Garrison. It was carried unanimously.

MINUTES OF METROPOLITAN SEWERAGE DISTRICT BOARD

ADOPTION OF BYLAWS.

LETTER FROM MR. WALKER RE: ENGINEERING FIRM.

DISCUSSION FOR PROVIDING FUNDS FOR OPERATION & DEBTS.

The meeting of the Metropolitan Sewerage District Board was held in the Board Room, City Building, Asheville, North Carolina, at 2:00 p. m. on Tuesday, April 17, 1962.

The meeting was called to order by Mr. Koon, Chairman. The following members were present: Mr. Adams, Mr. Finch, Mr. Garrison, Mr. Koon, Mr. Peterson, Mr. Reagan, Mr. Robinson, Mr. Spicer, Mrs. Swicegood, and Mr. Tandy.

Upon motion of Mr. Koon, seconded by Mr. Finch, the reading of the minutes was dispensed with by a unanimous vote.

The meeting then proceeded with consideration of Bylaws for the District and the District Board and after hearing read a draft of Bylaws proposed by the District's attorney the following resolution embodying Bylaws of the Metropolitan Sewerage District of Buncombe County of North Carolina, was unanimously adopted:

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 Bylaws 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. These officers shall serve for one year or until the first regular meeting of the District Board held in July of the next year.

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 or are assigned him by the District Board.

(d) Treasurer. The Treasurer shall attend all meetings of the District 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.

ARTICLE IV

DISBURSEMENT OF FUNDS

Section 1. DISBURSEMENT OF FUNDS:

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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 Office 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 "General 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 Bylaws 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 "General 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 153-300 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 Statute 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.

ARTICLE X

AMENDMENTS

Section 1. AMENDMENTS:

These Bylaws, 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.

BE IT FURTHER RESOLVED, that in numbering the pages of the minutes as so amended the pages following Page No. 5 shall be numbered 5-a, 5-b, 5-c, et cetera, and shall be continued over on to Page 6 so as to preserve as near as can be the continuity of the enumeration of the pages in the Minute Book as they now exist and to this end the last two paragraphs of the minutes as contained on Page 6 shall be preserved.

In order to clarify the status of each, it was moved by Mr. Adams and seconded by Mr. Peterson that Mr. Spicer be named as Treasurer and Mrs. Swicegood as Secretary. This motion was unanimously approved.

Upon request of Chairman Koon, a report was made by Mr. Walker, Engineer, listing ten consulting engineers with whom he had conferred as possible consulting engineers for the proposed project (see attached letter). In accordance with Mr. Walker's suggestion, Chairman Koon appointed the following Committee: Mr. Robinson, Chairman, Mr. Peterson and Mr. Tandy, to confer with the Engineer to select three firms to go over the preliminary work and report back to the Board. This motion was made by Mr. Spicer and seconded by Mr. Garrison. It was carried unanimously.

Mr. Spicer called attention to the fact that we are already indebted to the Federal Government for \$140,000 for the 1952 plan and he highly recommended that some arrangement be made to begin putting the District on a "pay-as-go" basis beginning with the next fiscal year. Mr. Adams pointed out that until the plant was constructed, it was questionable that we owed \$140,000 to the Government. However, this point was not resolved by the Board. It was suggested that Mr. Redmond, Attorney, study the Act for a possible solution and that Mr. Walker and Miss Carraway prepare anticipated operational costs and that they consult with the various governing bodies as to means of making assessments to provide funds for operational costs and debts already incurred. This instigated quite a bit of discussion but no action.

There being no further business, the meeting was adjourned at 4:15 p. m.

April 17, 1962

Lemair T. Swicegood
Recording Secretary

April 17, 1962

Metropolitan Sewerage District Board
Asheville, North Carolina

Gentlemen:

As instructed by you at your meeting of March 20, 1962, I have contacted available engineering firms and secured brochures of projects completed and written to Polk, Powell & Hendon of Birmingham, Alabama, the firm which made the 1952 study.

I have made contact with ten engineering firms and have gone over the site covered by this project along with the available contour maps and what plans we have relative to previous studies made in 1952.

From the engineering firms I have attempted to secure a list of the engineers in their organization who are educated, trained, and who are experienced in this special type of engineering. I have also secured from each firm a date as to the time that we would expect them to begin work on the report covering their proposed plans and estimates of cost for this project. I have also attempted to follow up the references given by each firm to determine what each owner thought of the design and workmanship of the plants completed. With the short time available, it has been impossible to hear from each owner.

I am listing below the names and addresses of the firms that have furnished us with brochures covering projects of this type:

1. J. Pease & Company, Charlotte, North Carolina
2. Warren, Hendon & associates, Birmingham, Alabama
3. Charles T. Main, Inc., Charlotte, North Carolina
4. Piatt & Davis, Durham, North Carolina
5. L. E. Wooten & Company, Raleigh, North Carolina
6. Harwood Beebe Company, Inc., Spartanburg, South Carolina
7. Bost Engineering Company, Inc., Knoxville, Tennessee
8. Six Associates, Asheville, North Carolina
9. Moore, Gardner & Associates, Inc., Asheboro, North Carolina
10. Colburn & Gove, Fletcher, North Carolina

Metropolitan Sewerage District Board
April 17, 1962
Page 2

Due to the time it will take to go over these brochures, I would suggest that you appoint a committee from your Board to go over these reports and recommend their decision to the full Board for your action.

This is a large project covering the expenditure of some seven or eight million dollars and ample study should be made in the selection of the engineering firm to design, prepare plans, and to supervise the construction of this project.

The success or failure of this entire project can depend upon the engineering firm which you select.

Yours very sincerely,

J. C. Walker
Engineer

JCW:kp

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