

RESOLUTION 2024-21

**▲ RESOLUTION APPROVING THE AMENDED BYLAWS FOR THE BOARD OF DIRECTORS OF THE AUGUSTA SOLID WASTE DISTRICT**

**WHEREAS**, the Lewis and Clark County Board of County Commissioners created the Augusta Solid Waste District; and

**WHEREAS**, the Augusta Solid Waste District Board has the power and exercises the duties and functions convened upon it by the Lewis and Clark County Board of County Commissioners pursuant to 7-1-1021, MCA. The Board shall act as advisory to the Board of County Commissioners.

**WHEREAS**, on May 15, 2015 the Board of County Commissioners approved bylaws for the Augusta Solid Waste District through Resolution 2015-41.

**WHEREAS**, the Augusta Solid Waste Board of Directors unanimously approved amendments to the bylaws at the October 13, 2023 meeting.

**WHEREAS**, the amendments to Resolution 2015-41 include:

- a. Amending Section 4, General Powers and Duties.
- b. Adding Section 9 g.

**WHEREAS**, the new Augusta Solid Waste District bylaws are attached to this resolution as Exhibit A.

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lewis and Clark County that the amended bylaws attached as Exhibit A are hereby approved.

DATED this 12<sup>th</sup> day of April, 2024.



ATTEST:

  
 \_\_\_\_\_  
 Amy Reeves, Clerk of Board

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
 \_\_\_\_\_  
 Andy Hunthausen, Chair

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 Amy Reeves Clerk & Recorder, Lewis & Clark MT





# Lewis and Clark County

## AMENDED BYLAWS FOR THE BOARD OF DIRECTORS OF THE AUGUSTA SOLID WASTE DISTRICT

1. Name and Location:

The name of the solid waste management district is Augusta Solid Waste District, and its principal place of business shall be in Augusta, Lewis & Clark County, Montana.

2. Authorization:

The authorization to create this district is set forth under legislative determination and declaration of policy in Section 7-11-1003, MCA.

3. Purpose:

The purpose of the Augusta Solid Waste District is to alleviate the improper storage, collection and disposal of refuse which is a hazard to the health, safety and welfare of the citizens who reside in the District.

The Augusta Solid Waste Board is a group of individuals that effectively supplement the Board of County Commissioners' as advisory to help guide the Solid Waste District toward its stated mission. The Board of County Commissioners retains the ultimate governing authority as provided at Section 7-11-1021(2)(d), MCA.

The Augusta Solid Waste Board is responsible for making recommendations to the Lewis and Clark County Commission regarding the general operational direction of the solid waste transfer site including but not limited to, the days and hours of operation; the recycling practices at the site; the rate structure; and an annual budget for the Augusta Solid Waste District. The Augusta Solid Waste Board must factor in regulatory requirements, budget constraints, and fiduciary responsibility.

4. General Powers and Duties:

The Board has the powers and exercises the duties and functions convened upon it by the Lewis and Clark County Commission pursuant to Section 7-11-1021, MCA. The Board shall act as an advisory board to the County Commission. The

District shall be administered by the Lewis & Clark County Public Works Department and the Lewis & Clark County Finance Department.

Lewis & Clark County Public Works Department will be responsible for general management and operation of the Augusta Solid Waste District Transfer Station with input from the Augusta Solid Waste Board.

Lewis & Clark County Finance Department will be responsible for all budgeting and accounting requirements within the Augusta Solid Waste District. The District will operate under the Lewis & Clark County financial system and will be audited annually as provided by law.

5. The Augusta Solid Waste Board shall be appointed by the Lewis and Clark County Commission pursuant to Section 7-1-201 MCA. and consist of:
  - a. One County Commissioner.
  - b. Five residents of the District.
  
6. Terms of Directors. pursuant to Section 7-1-201 MCA:
  - a. Members of the Augusta Solid Waste Board shall serve at the pleasure of the Lewis and Clark County Commissioners.
  - b. Terms of all members, except elected members may not exceed 4 years. 7-1-201(5)(c).
  
7. Fiscal Year:
  - a. The fiscal year of the District shall begin on the first day of July of each year and end the last day of the following June.
  - b. The District will operate under the Lewis and Clark County Financial system and will be audited annually as provided by law.
  - c. The District Board shall submit preliminary rate recommendations and budget to the Board of County Commissioners as provided by law, by April 15<sup>th</sup> of each year.
  
8. Meetings:
  - a. All meetings (regular, special, and subcommittee) and work sessions shall be open to the public.
  - b. Public v. Private. Independently or upon the request of an applicant, the Board of Directors may close a meeting or a portion of a meeting to the public, but may do so only after County legal staff approval and a two-thirds majority of a quorum determines that the privacy interests of a citizen, employee, or director outweighs the public's right to know, If closed in advance of the meeting, the noticed agenda shall include reference to the closed meeting or the closed portion of a meeting.

- c. Quorum. The presence at any scheduled meeting of a majority of the Board of Directors shall constitute the necessary quorum for the transaction of business. A quorum is required for regular and special meetings but not for work sessions or subcommittee meetings.
- d. The annual meeting of the District shall be held in Augusta, Montana, in April. At this meeting, the District Board of Directors shall: 1) present the annual report, include programs and activities of the District for the previous year, and the financial report; 2) adopt the coming year's preliminary budget for the District; and 3) invite suggestions and recommendations for improving the District's overall operations for the coming year from those in the District who receive service.
- e. Special meeting of the Board of Directors may be called at any time by the Chair of the Board of Directors, or at the request of any two members of the Board.
- f. Written or printed notice of each meeting of the Directors, whether annual or special, stating the place, date, hour, and purpose for which the meeting is called shall be given to each of the Directors. Public notice will be provided in accordance with State law and county policy.
- g. Any citizen may comment or provide testimony on any item on the agenda and any item not appearing on the agenda but within the jurisdiction of the Board.

9. Officers and Their Duties:


- a. The Board of Directors at the first annual meeting shall elect from its membership the chair and vice-chair of the Board.
- b. The Board shall secure the services of a secretary who may be a member of the Board, or as its discretion the Board may elect to secure the services of a secretary from outside the Board of Directors. The secretary shall record the minutes, maintain records, and send out meeting notices, among other duties.
- c. Additionally, the Board may employ other persons as is deemed necessary to discharge the obligations of the District. The Board may determine qualification and duties.
- d. The Board shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted.
- e. The secretary shall prepare an agenda for Board and other meetings. Agendas shall be provided to each member of the Board no later than three days prior to the meeting date. Hard copies shall be made available to the public at the time of the open meeting.
- f. The Board of Directors or any of the officers shall not receive any compensation aside from the reimbursements provided by law.
- g. The Board of Directors shall review the Bylaws of the Augusta Solid Waste Board every 5 years or whenever deemed necessary by a vote of a quorum of the Board Members.

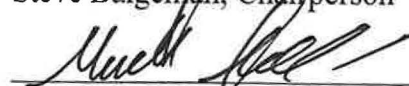
10. Adoption and Amendment

These bylaws were last adopted on February 13, 2015, and amended on 13 day of October 2023 upon approval by a majority of the members of the District Board.

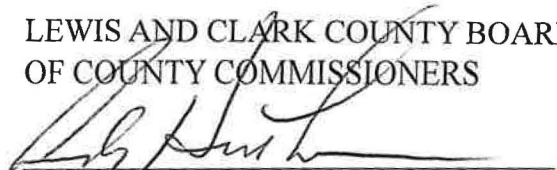
Dated this 21 day of March 2024.


AUGUSTA SOLID WASTE BOARD OF DIRECTORS

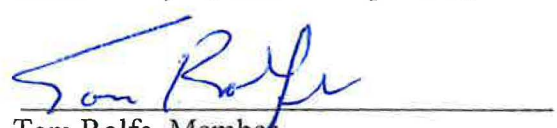
  
\_\_\_\_\_  
Steve Balgeman, Chairperson

  
\_\_\_\_\_  
Michael Anderson, Vice-Chairperson

LEWIS AND CLARK COUNTY BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Andy Hunthausen, Chairperson

  
\_\_\_\_\_  
Candace Payne, Vice-Chairperson

  
\_\_\_\_\_  
Tom Rolfe, Member

ATTEST:

By   
\_\_\_\_\_  
Amy Reeves, Clerk of the Board