

CORDRY-SWEETWATER CONSERVANCY DISTRICT

RESOLUTION #2015-4

RESOLUTION REGARDING THE COMPOSITION AND RESPONSIBILITIES OF ADVISORY COMMISSIONS

WHEREAS, the Board of Directors ("Board") of the Cordry-Sweetwater Conservancy District ("District") determined it necessary to conduct a review of the composition, duties and responsibilities of the District's Security Commission, Water Commission, Building Commission, Ecology/Park Commission and Road Commission; and,

WHEREAS, the Board determined that certain changes should be made regarding the composition, duties and responsibilities of those commissions;

NOW, THEREFORE, BE IT RESOLVED THAT, all previous Resolutions regarding the composition, duties and responsibilities of the commissions are hereby rescinded and replaced by the following:

GENERAL AUTHORITY

Insomuch as I.C.14-33-5-20 (10), which authorizes the creation of committees, states that the committees are to be "advisory", and nothing in the statute suggests that the Board has the authority to vest committees with the authority to take final action on matters which, pursuant to statute, must be addressed by the Board, all CSCD committees, hereafter referred to as commissions, shall serve in an advisory capacity to the Board.

Notwithstanding the above, I.C.14-33-5-20 (4) states that the Board may delegate to "employees" the authority to perform ministerial acts except where final action of the Board is necessary. It is therefore within the power of the Board to determine whether a person is an employee and if it is then appropriate to designate specific ministerial duties which the employee(s) may perform.

TERMS OF APPOINTMENT

The terms of appointment for commission members from the Board and the CSLOA shall coincide with their terms of office on their respective boards, subject, however, to any longer or shorter terms as may be designated by their respective boards, but ultimately will be determined by the Board.

All initial appointments made pursuant to this Resolution shall take effect at the District's annual meeting in January 2016. The terms of office for the initial members-at-large appointed pursuant to this Resolution shall be as follows:

- If a commission has three (3) members-at-large, one of the terms will expire at the 2017 annual meeting, one will expire at the 2018 annual meeting and one will expire at the 2019 annual meeting.
- If a commission has five (5) members-at-large, two of the terms will expire at the 2017 annual meeting, two will expire at the 2018 annual meeting and one will expire at the 2019 annual meeting.



As the terms expire, each newly appointed or reappointed member-at-large shall be appointed for a term of three (3) years.

In the event that an incumbent member-at-large leaves office prior to the end of his/her term, then any member-at-large subsequently appointed by the Board to replace the departing member shall be appointed only for the balance of the departing member's term.

The Board shall have the authority to withdraw any of the foregoing appointments, at any time, by a majority vote of the Board whenever the Board may determine that an appointee is not appropriately performing his or her duties. The Board shall have the authority to reappoint incumbent members-at-large with expiring or expired terms. An incumbent member-at-large whose term has expired may continue to serve on a commission until his/her replacement is appointed by the Board, unless the Board shall expressly designate otherwise.

ELIGIBILITY TO SERVE

Any person appointed to a CSCD commission must be a freeholder of the District.

A Cordry Sweetwater Lot Owners Association ("CSLOA") representative to a commission must be a current CSLOA member in good standing, must be recommended by the CSLOA President to the Board, and cannot serve unless appointed by the Board.

SECURITY COMMISSION

The Security Commission shall consist of either five (5) or seven (7) members appointed by the Board as follows:

One (1) member from the Board, one (1) member from the CSLOA, and three (3) members-at-large for a five-member commission or five (5) members-at-large for a seven-member commission.

The Security Commission shall elect its own Chairman, Vice-Chairman and Secretary, except that the Board member appointed to the Commission shall have the right of first refusal to serve as the Chairman. Minutes of all meetings shall be kept by the Secretary and copies submitted to the Board.

The Security Commission shall meet monthly on the second Tuesday of each month. Special meetings may be called by the Chairman or when requested by a majority of the members.

The Security Commission shall be responsible for the following:

1. Making recommendations to the Board concerning security matters.
2. Making recommendations to the Board concerning the acquisition and maintenance of security equipment.
3. Determining the feasibility of activating and assisting with coordination of the Neighborhood Watch program and subsequently reviewing related periodic reports if the program is in place.

4. Conducting hearings with freeholders who are in alleged or actual violation of the District's security-related Rules and making recommendations to the Board for appropriate actions regarding the violations.
5. Periodically reviewing the District's security-related Rules and making recommendations to the Board relating to rule changes.
6. Handling all matters relating to security not referred to herein, as directed by the Board.

WATER COMMISSION

The Water Commission shall consist of either five (5) or seven (7) members appointed by the Board as follows:

One (1) member from the Board, one (1) member from the CSLOA, and three (3) members-at-large for a five-member commission or five (5) members-at-large for a seven-member commission.

The Water Commission shall elect its own Chairman and Vice-Chairman, except that the Board member appointed to the Commission shall have the right of first refusal to serve as the Chairman. Minutes of all meetings shall be kept either by a Secretary elected by the Commission members, or by the CSCD Water Clerk, and copies submitted to the Board.

The Water Commission shall meet monthly on the second Thursday of each month. Special meetings may be called by the Chairman or when requested by a majority of the members.

The Water Commission shall be responsible for the following:

1. Monthly, reviewing the operation of the water distribution system, including its maintenance and repair and making appropriate recommendations to the CSCD Board.
2. Monthly, reviewing accounting records to insure compliance with the Bond Resolution and its provisions for debt retirement.
3. Preparing annual operating budgets to be submitted to the Board for approval, along with regular review of monthly financial statements.
4. No less than annually, reviewing Water Utility Rules and making appropriate recommendations to the CSCD Board.
5. At the close of the fiscal year, in conjunction with preparation of the budget, making an annual determination as to the adequacy of the rate structure and making appropriate recommendations to the CSCD Board.
6. Monthly, reviewing water consumption as compared to water purchased from Princes' Lakes Water Utility to ensure prompt detection of abnormal water loss.

7. Performing such other functions as may be necessary for the efficient operation of the Water Utility and not specifically reserved to the Board.

ECOLOGY/PARK COMMISSION

The Ecology/Park Commission shall consist of either five (5) or seven (7) members appointed by the Board as follows:

One (1) member from the Board, one (1) member from the CSLOA, and three (3) members-at-large for a five-member commission or five (5) members-at-large for a seven-member commission.

The Ecology/Park Commission shall elect its own Chairman, Vice-Chairman and Secretary, except that the Board member appointed to the Commission shall have the right of first refusal to serve as the Chairman. Minutes of all meetings shall be kept by the Secretary and copies submitted to the Board.

The Ecology/Park Commission shall meet monthly on the first Thursday of each month. Special meetings may be called by the Chairman or when requested by a majority of the members.

The Ecology/Park Commission shall be responsible for the following:

1. Assuring the long-term integrity of the District's lakes, dams, forest lands and park lands by continually evaluating their condition and identifying measures needed for remediation, protection, repair or improvement.
2. Depending on the level of approval authority granted to the Commission by the Board, either (1) securing the services of qualified professionals to evaluate the physical, chemical and biological condition of the lakes to determine any changes to their trophic condition and make recommendations for any necessary remedial measures, or (2) making recommendations to the Board for the acquisition of such services.
3. Depending on the level of approval authority granted to the Commission by the Board, either (1) securing the services of qualified professionals to monitor the vitality and diversity of the fisheries of the lakes, and to determine whether actions are needed to enhance the lakes' fish communities, or (2) making recommendations to the Board for the acquisition of such services.
4. Making recommendations to the Board for any rules that might be required to protect the physical, chemical and biological integrity of the lakes and their fish communities, the forest lands or the park lands.
5. Depending on the level of approval authority granted to the Commission by the Board, either (1) securing the services of qualified professionals to monitor the aquatic vegetation of the lakes and to determine what actions are appropriate regarding vegetation management that will assure protection of the lakes' integrity while taking into account the concerns and interests of all freeholders, or (2) making recommendations to the Board for the acquisition of such services.
6. Evaluating the condition of the structures and amenities associated with the lakes and parks, such as the beach, the beach shelterhouse, playgrounds, boat ramps, gasoline pumps and their

docks, dams, boat docks, artificial fish habitat structures, etc., and making recommendations to the Board regarding needed repairs or improvements.

7. Depending on the level of approval authority granted to the Commission by the Board, either (1) securing the services of qualified professionals to periodically monitor the amount of sediment accumulating in the lakes' coves, determining whether sediment removal is appropriate, and making recommendations to the Board regarding a plan of action, or (2) making recommendations to the Board for the acquisition of such services.
8. Depending on the level of approval authority granted to the Commission by the Board, either (1) securing the services of qualified professionals to periodically monitor the whitetail deer population of the District, to evaluate freeholder tolerance for the number of deer present, to determine whether the deer population exceeds social and/or biological levels of acceptability, and to devise a deer population reduction program if deemed appropriate by the Board, or (2) making recommendations to the Board for the acquisition of such services.
9. At least biennially, depending on the level of approval authority granted to the Commission by the Board, either (1) securing the services of qualified professionals to evaluate the condition of the Cordry Lake and Sweetwater Lake dams to determine their condition and make recommendations for any necessary remedial measures, or (2) making recommendations to the Board for the acquisition of such services.
10. Such other matters as may be designated, from time to time, by the Board.

ROAD COMMISSION

The Road Commission shall consist of either five (5) or seven (7) members appointed by the Board as follows:

One (1) member from the Board, one (1) member from the CSLOA, and three (3) members-at-large for a five-member commission or five (5) members-at-large for a seven-member commission.

The Road Commission shall elect its own Chairman, Vice-Chairman and Secretary, except that the Board member appointed to the Commission shall have the right of first refusal to serve as the Chairman. Minutes of all meetings shall be kept by the Secretary and copies submitted to the Board.

The Road Commission shall meet monthly on the second Tuesday of each month. Special meetings may be called by the Chairman or when requested by a majority of the members.

The Road Commission shall be responsible for the following:

1. Making recommendations to the Board concerning all proposals for the construction of roads and the maintenance of roads and drives.
2. Evaluating the condition of District drives and making recommendations to the Board regarding any drives which it would be appropriate to pave.

3. Reviewing, no less than annually, the financial status of the Road Fund and making recommendations to the Board concerning the expenditure of such funds.
4. Such other matters as may be designated, from time to time, by the Board.

BUILDING COMMISSION

The Building Commission shall consist of either five (5) or seven (7) members appointed by the Board as follows:

One (1) member from the Board, one (1) member from the CSLOA, and three (3) members-at-large for a five-member commission or five (5) members-at-large for a seven-member commission.

The Board recognizes the needed special expertise of members appointed to the Building Commission in performing the various duties set forth below and, in furtherance of such recognition, shall endeavor to make appointments to the Building Commission so as to create and preserve a collective expertise on the Building Commission in the following areas: construction, business, real estate, land use, Building Rules knowledge, and watershed management.

No construction-related contractor who regularly or routinely performs work for compensation in the District shall be appointed to the Building Commission, and other candidates' potential conflicts of interest shall also be carefully scrutinized by the Board before appointments are made to the Building Commission. However, the mere fact that a prospective Building Commission member may potentially, in the future and in his/her personal capacity, seek the approval of an application or a (variance) request that would come before the Building Commission shall not serve as a disqualifying factor for appointment to the Building Commission, although once appointed, the member must refrain from casting any vote on any such personal matters.

The Building Commission shall elect its own Chairman, Vice-Chairman, and Secretary, except that the Board member appointed to the Commission shall have the right of first refusal to serve as the Chairman. The CSCD Building Compliance Officer, as an employee of the District, shall serve in an advisory capacity to the Commission. Minutes of all meetings shall be kept by the Secretary and copies submitted to the Board.

The Building Commission shall meet monthly on the first Tuesday of each month. Special meetings may be called by the Chairman or when requested by a majority of the members.

The Building Commission shall be responsible for the following:

1. Evaluating freeholder-submitted applications for construction, demolition, relocation, etc. to determine their conformance with the Building Rules and thereafter, depending upon the directions received by the Building Commission from the Board and the content of the then existing Building Rules, either making recommendations to the Board regarding approval or denial of such applications or having the Board member appointed to the Commission, acting as an employee, jointly, with the Building Compliance Officer, approving or denying such applications upon the recommendation of the Commission, subject, however, in the second

instance to the right of an aggrieved freeholder to appeal any adverse determination to the Board.

2. Evaluating any freeholder-submitted variance requests to determine whether a variance is justified under the circumstances, based on, among other factors, whether special conditions or circumstances exist that would create an undue hardship to the freeholder in complying with the existing Building Rules, and thereafter making recommendations to the Board regarding such variance requests.
3. Periodically reviewing the Building Rules, application forms and procedures and making recommendations to the Board regarding any needed revisions thereto.
4. Conducting hearings with freeholders, contractors and/or others who are in alleged or actual violation of the Building Rules and making recommendations to the Board for appropriate actions regarding the violations.
5. Such other matters as may be designated, from time to time, by the Board.

BE IT FURTHER RESOLVED THAT this Resolution shall be in full force and effect from and after September 15, 2015.

CORDRY SWEETWATER CONSERVANCY

DISTRICT BOARD OF DIRECTORS

	Aye	Nay
 James K. Ray, Chairman	✓	—
 Herb Benshoof, Vice Chairman	✓	—
 Anita Wright, Secretary	✓	—
 Patrick Sherman	✓	—
 Chad Crimmins	✓	—
 Jerry Engle	✓	—
ABSENT Matthew Petersen	—	—

