

# **BEAR RIVER COMMISSION**

## **BYLAWS**

**Amended April 19, 2011**

### **ARTICLE I THE COMMISSION**

1. The Commission shall be composed of nine Commissioners, three Commissioners representing each of the States of Idaho, Utah, and Wyoming, selected in accordance with the laws of each such State and, if appointed by the President, one Commissioner representing the United States of America.
2. The credentials of each Commissioner shall be filed with the Secretary of the Commission.
3. Each Commissioner shall advise in writing the Secretary of the Commission as to his address to which all official notices and other communications of the Commission shall be sent to him and shall further promptly advise in writing the Secretary of the Commission as to any change in such address.

### **ARTICLE II OFFICERS**

1. The officers of the Commission shall be:  
Chairman  
Vice-Chairman  
Secretary  
Treasurer
2. The Commissioner representing the United States of America shall be the Chairman of the Commission. The Chairman shall preside at meetings of the Commission. His duties shall be such as are usually imposed on such officers and such as may be assigned to him by these Bylaws or by the Commission from time to time.
3. The Vice-Chairman and Secretary shall each be one of the Commissioners representing a State. They shall be elected at each annual meeting of the Commission and shall hold office until the next annual meeting and until their successors are elected. In the case of a vacancy in either office, the Commission shall at its next meeting, whether regular or special, elect a successor to serve for the unexpired term. The Vice-Chairman shall perform all the duties of the Chairman when the Chairman is unable for any reason to act, or when

for any reason there is a vacancy in the office of Chairman. In addition, the Vice-Chairman and Secretary shall perform such other duties as may be assigned to them under these Bylaws or by action of the Commission.

4. The Treasurer may or may not be a member of the Commission. He shall be elected at each annual meeting of the Commission and shall hold office until his successor is elected and shall have qualified. The Treasurer shall receive, hold, and disburse all funds of the Commission. The Treasurer shall furnish a bond for the faithful performance of his duties in such amount as the Commission may direct. The cost of such bond shall be paid by the Commission. In the case of a vacancy in the office of Treasurer, the Chairman shall appoint a new Treasurer to serve for the unexpired term or until such time as the Commission shall elect a successor at a regular or special meeting and the person so elected shall have qualified. The offices of Secretary and Treasurer may be held by the same person.

5. The Commission may employ a secretarial assistant and such engineering, legal, clerical, and other personnel as, in its judgment, may be necessary. They shall receive such compensation and perform such duties as may be fixed by the Commission.

### **ARTICLE III PRINCIPAL OFFICE**

1. The principal office and place of business of the Commission shall be at a location designated by the Commission.

2. The principal office shall be open for business on such hours and days as the Commission may direct.

3. All books and records of the Commission shall be kept at the principal office of the Commission. Except as otherwise provided in the Compact, or herein, all records of the Commission shall be open to inspection by the public.

### **ARTICLE IV MEETINGS**

1. The annual meeting of the Commission shall be held on the third Tuesday of April of each year unless otherwise designated by the Commission.

2. The Commission shall hold a regular meeting during the month of November on the Tuesday of the week preceding the week of Thanksgiving each year unless otherwise designated by the Commission.

3. Special meetings of the Commission may be called by the Chairman or, in case of vacancy in the office of the Chairman or inability of the Chairman to act, by the Vice-

Chairman. Upon the request of two or more Commissioners, it shall be the duty of the Chairman to call a special meeting.

4. Notice of all meetings of the Commission shall be sent by the Secretary or the Engineer-Manager to all members of the Commission by ordinary mail at least ten days in advance of each such meeting. Such notice shall designate the time, place, and proposed agenda of the meeting. The notice here required may be waived by unanimous consent of all members of the Commission.
5. The approved minutes of the Commission shall be preserved in a suitable manner. Until approved by the Commission, minutes shall not be official and shall be furnished only to members of the Commission, its employees, and committees.
6. Six Commissioners, who shall include two Commissioners from each State, shall constitute a quorum. An absent member may be represented by his proxy who must be an accredited advisor from his State, and such proxy shall have the powers of a member at such meeting.
7. Each Commissioner, except the Federal Representative, shall have one vote.
8. When a quorum is present, an affirmative vote of at least two-thirds of the Commissioners in attendance shall be necessary for Commission action.
9. At each meeting of the Commission, the agenda items, unless agreed otherwise, shall include approval of the minutes of the last meeting and reports from the Chairman, the Secretary, the Treasurer, the Engineer-Manager, and other agreed-upon agenda items.
10. All meetings of the Commission, except executive sessions, shall be open to the public. Executive sessions shall be open only to officers and members of the Commission, three advisors designated by each State, and the Federal Representative, provided, however, that the Commission may call witnesses in such sessions.
11. Each State may accredit three advisors to the Commission.

## **ARTICLE V COMMITTEES**

1. There shall be the following standing committees:

Management Committee  
Operations Committee  
Records & Public Involvement Committee  
Water Quality Committee

2. The standing committees shall have duties as assigned by the Commission.
3. Members of Management, Operations, and Records & Public Involvement Committees shall be Commission members. The number of members on each committee shall be determined by the Commission. Each State shall designate the members and/or advisors on each committee representing such State. In all committee action the votes shall be taken by States, with each State having one vote.
4. The Water Quality Committee will be composed of at least three members who have been designated by each of the three states' Director of Environmental Quality, or its equivalent, as being the lead water quality administrator from that agency to represent the state and serve on the committee. These designated members of the Water Quality Committee need not be members of the Commission. Other members or advisors to the Water Quality Committee may be determined by the Commission and designated by each State. In all committee action the votes shall be taken by States, with each State having one vote.
5. The Chairman shall be an ex-officio member of all committees.
6. Each committee shall designate a chairman from among the members of the committee.
7. The Commission may create special committees and assign them tasks to be determined by the Commission.
8. Committees shall report all of their findings and recommendations.

## **ARTICLE VI FISCAL**

1. All expenses incurred by the Commission in the administration of the Bear River Compact, except those paid by the United States of America, shall be paid by the signatory States on an equal basis.
2. Commission funds shall be received by the Treasurer and deposited by him in a depository or depositories designated by the Commission.
3. The Treasurer shall disburse Commission funds by check upon vouchers approved and countersigned by the Chairman, the Vice-Chairman, a member of the Management Committee, or by Commission assigned designee.
4. On or before May 1 of each year, the Commission shall adopt and transmit to the appropriate water resource agencies of the three States a budget covering an estimate of its

expenses for the following biennium and the amount payable by each State under the provisions of the Bear River Compact.

5. The payment of expenses of the Commission and its employees shall not be subject to the audit and accounting procedures of any of the three States.

6. All receipts and disbursements of the Commission shall be biennially audited by a qualified independent accountant or auditor to be selected by the Commission. The audit report shall be included in the official minutes of the Commission meeting to which the report was submitted.

7. The Secretary shall keep an up-to-date inventory of all Commission property.

8. The fiscal year of the Commission shall begin July 1 of each year and end June 30 of the following year.

## **ARTICLE VII MISCELLANEOUS**

1. The Commission shall, on request, make available to the Governor of each of the States signatory to the Bear River Compact any information within its possession at any time and shall always provide the Governors of such States, or their representatives or authorized representatives of the United States of America, free access to records. The cost of making information available shall be borne by the person or government requesting such information.

2. All contracts or other instruments in writing to be signed for and in behalf of the Commission, except matters relating to the receipt or disbursement of funds, shall be signed by the Chairman or Vice-Chairman and the Secretary or Treasurer.

3. Amendments to the Bylaws may be made at any meeting of the Commission, provided notice of the proposed amendment shall have been given in the notice of the meeting.

4. Except as otherwise provided by the Compact or herein, meetings of the Commission shall be in accordance with Robert's Rules of Order.