

CONSTITUTION AND BY-LAWS

ARTICLE I

Name

The name of this Association shall be the Eastern Pennsylvania Water Pollution Control Operators Association, Incorporated.

ARTICLE II

Objectives

Section 1. The objectives of the Association shall be to advance knowledge of design, construction, operation and management related to the wastewater treatment industry.

Section 2. To encourage through meetings of its members the exchange of information and experience for the betterment of the wastewater treatment industry.

Section 3. To affiliate with the Pennsylvania Water Environment Association and support its goals.

ARTICLE III

Membership

Section 1. Members of this Association may be Active Members, Associate Members, Life members, Honorary Members, Student Chapter Member, or Retired-from-Service Life Members.

Section 2. An Active member shall be a superintendent, manager, chemist, bacteriologist, operator or other employee of a sewage or industrial waste treatment works. Present membership is to be taken as sufficient evidence that the individual is qualified for active membership as long as he/she continues to be a member in good standing.

Section 3. An Associate Member shall be a manufacturer's representative, consulting engineer, chemist or bacteriologist, or any qualified employee of a corporation or organization engaged or interested in at least one of the stated objectives of the Association and shall have all the rights and privileges of an Active member.

Section 4. A Life Member shall be an individual who has performed outstanding, faithful, and/or extraordinary services to the Association. No more than two Life memberships may be granted annually. However, this does not mandate that any must be granted. This type of membership is to be recommended by the Awards Committee and approved by the Board of Directors.

Section 5. An Honorary Member shall be any individual who may visit as a dignitary, who makes an outstanding contribution to the objectives of the Association, or

who performs some unusual act endangering one's own life and limb to aid another person. To award this type of membership requires action by the Board of Directors.

Section 6. A Retired-from-Service Life Member shall be a person who has been a member of the Association for at least the last ten (10) consecutive years and has reached retirement age. A person must make application for this type of membership and furnish proof of his/her eligibility. The award of this type of membership requires action by the Board of Directors.

Section 7. A Student Chapter Member shall be a student of a High School that has a recognized chapter affiliation with our Association and is active in that chapter. A Student Chapter Member will have the right and privileges of an Active Member with the following exceptions, they can not hold an elected office, or participate in games of chance, and shall be restricted in the type beverage they consume at meetings, training opportunities or other functions of our Association.

Section 8. Any person who wishes to become an active or associate member shall make application.

Section 9. A high school that wishes to have a Chapter affiliation shall make application to the Association. The application shall include the name and position of the adult who will serve as the liaison between the school and the Associations. This adult liaison shall accompany the student to all meetings, training opportunities, or other functions of the Association and be responsible for the conduct of the student members

Section 10. Class of membership and eligibility shall be reviewed by the Secretary/Treasurer and the Second Vice President. Their decision will stand unless challenged by the applicant. The challenge will be resolved by the Board of Directors.

ARTICLE IV

Fees and Dues

Section 1. The initiation fee to be set by the Board of Directors and approved by the membership at a regular meeting shall be charged to each new member and each former member renewing or rejoining after being dropped from membership for any reason.

Section 2. The annual dues for all classes of membership shall be set upon recommendation of the Board of Directors and approved by the membership at a regular meeting. The membership shall be given notice of the Board of Directors' recommendation for dues with the meeting notice announcing the meeting where the recommendation is to be ratified.

Section 3. The annual dues shall be payable January 1st of each calendar year. Members not paid in full by February 15th will be dropped from the rolls and will not have any privileges extended to the paid members.

Section 4. Dues are waived for the following three (3) classes of membership:

- a. Life Membership
- b. Honorary Membership
- c. Retired-from-Service Life Membership

Waivers are subject to periodic review by the Board of Directors.

ARTICLE V

Officers

Section 1. The officers of the Association shall be a President, two Vice Presidents, a Secretary/Treasurer, a Parliamentarian, a Pennsylvania Water Environment Association (PWEA) Representative, and six elected Directors. These officers, except the PWEA Representative, shall be elected by the Association at its November meeting. The PWEA Representative shall be appointed by the Board of Directors.

Section 2. The term of office for all officers, except the PWEA Representative and Non-elected directors, shall begin at the close of the meeting at which they were elected, and shall continue for one year or until their successors are elected. The term of office of the PWEA Representative shall be for two (2) years, and he/she may succeed himself/herself. The term of office of the elected Directors shall be three (3) years, except the first appointments of the six (6) directors appointed by the President of the Association, shall be two (2) directors each for the periods of one, two, and three years respectively.

Section 3. **Vacancy- President and/or First Vice President.** If a vacancy occurs in the office of the President, the First Vice President shall immediately assume the office of the President and the Second Vice President shall assume the office of the First Vice President.

Section 4. **Vacancy- Second Vice President.** In the event of a vacancy in the office of Second Vice President, the general membership shall be informed and a Second Vice President shall be nominated and elected at the next meeting of the general membership to fill the unexpired term.

Section 5. **Vacancy- Secretary/ Treasurer**

- a. When a vacancy occurs in the office of Secretary and/or Treasurer, the Board of Directors Special Committee shall appoint an interim Secretary and/or Treasurer while they select a committee to find and interview candidates who are capable and willing to fill the vacant positions.

The Board of Directors Special Committee shall select the person(s) to submit to the general membership as nominee(s) for the vacant offices.

- b. The general membership shall vote to fill the vacancies at the next scheduled meeting or at a special meeting call for this purpose in accordance with Article VII Meetings, Section 2. This election will be to fill the unexpired term.

Section 6. **Vacancy – Parliamentarian.** When a vacancy occurs in the office of Parliamentarian, the general membership shall be informed and a Parliamentarian shall be nominated and elected to fill the unexpired term at the next scheduled meeting.

Section 7. Vacancy – elected Director. If a vacancy occurs in the office of an elected director, the Executive Committee shall appoint a member to fill the unexpired term.

Section 8. All officers and directors who fail to attend two (2) consecutive regular meeting or Board of Directors’ meetings without just cause shall be removed from office. The action for removal shall be the responsibility of the Executive Committee.

Section 9. All officers and elected directors shall be members in good standing in both the Eastern Pennsylvania Water Pollution Control Operators Association, Incorporated, and the Pennsylvania Water Environment Association. The PWEA Representative shall be a member in good standing of both organizations for the preceding three (3) years. The PWEA Representative shall hold a current, properly executed, operator’s certificate issued by the Pennsylvania State Board of Certification of Sewage Treatment Plant and Water Works Operators.

Section 10. The duties of the President, Vice Presidents, Secretary/Treasurers, Parliamentarian, and Directors shall be those which ordinarily apply to the offices. The duty of the PWEA Representative shall be to represent the Association as charged by the Board of Directors.

Section 11. The PWEA Representative shall appoint an alternate representative. His/her duties and requirements shall be the same as the representative. This appointment must be ratified by the Board of Directors.

Section 12.

a. In the event that the PWEA representatives or his/her alternate can not attend any PWEA Board of Directors meeting, it shall be the duty of the PWEA representative to assure the EPWPCOA is represented at the Board meeting. He/she shall contact the senior officer of the EPWPCOA in the following order until he/she has a firm commitment for someone to replace him/her at the PWEA Board meeting. President - First Vice President – Second Vice President – Immediate Past President – Secretary/Treasurer – Parliamentarian – Elected Directors in alphabetical order by last name.

b. He/she shall then notify the PWEA President of the changes. (See EPWPCOA Resolution 2001-2 – attached.

ARTICLE VI

Board of Directors

Section 1. There shall be a Board of Directors. The Board of Directors shall consist of the officers as defined in Article V, Section 1, along with the Past President, the Chair of each standing committee, the PWEA Representative and the alternate PWEA Representative.

Section 2. Vacancy Non-elected Directors (Standing Committee Chairs). All committee chairs are non-elected directors. If a committee chair becomes vacant, the President shall appoint a committee chair to fill the unexpired term.

Section 3. If the Water Environment Federation/Professional Wastewater Operators (WEF/PWO) Zone representative is from the geographical area of our Association, he/she shall also be a member of the Board of Directors.

Section 4. The Board of Directors shall have full control of the management of the affairs of the Association, subject to such action as may be passed by the Association at its meetings. It shall have power to expend the funds of the Association or to invest the same, but shall not incur indebtedness beyond the funds in the hands of the Secretary/Treasurer.

Section 5. The Board of Directors meeting will be held in January and August, or at the request of the President or by a request of the majority of the Board of Directors. The time and place may be designated by the Secretary.

ARTICLE VII

Liability and Indemnification of Members of the Board

Section 1. In accordance with the provisions of the Nonprofit Corporation Law of 1988, chapter 57B of Title 15 of the Pennsylvania Consolidated Statutes (15 P.C.S. Section 5711, et seq.) a member of the Board of Directors shall not be personally liable for monetary damages as a result of any action taken or failure to take action, except as provided by 15 Pa.C.S Section 5713(b) (relating to exception to personal liability of directors).

Section 2. In accordance with the provisions of the Nonprofit Corporation Law of 1988, relating to indemnification (Chapter 57D of Title 15 of the Pennsylvania Consolidated Statutes, 15 PA C.S. Section 574.1, et seq.) this corporation shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative, or investigative (other than an action by or in the right of the Corporation) by reason of the fact that he/she is or was a representative of the Corporation, or is or was serving at the request of the Corporation as a representative of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgements, fines and amounts paid in settlement actually and reasonably incurred by him/her in good faith and in a manner he/she reasonably believed to be in, or not opposed to, the best interest of this corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his/her conduct was unlawful.

Section 3. The officers of this Association and other persons as provided in Article VI, Sections 1 and 2, shall constitute the Board of Directors of the corporation.

Section 4. Nothing contained in this article shall be construed to cause the Pennsylvania Water Environment Association to be liable to anyone or any indemnification for monetary damages under the provision hereof.

ARTICLE VIII

Meetings

Section 1. The regularly scheduled meetings of the Association shall be held in March, May, September, and November. A Picnic Meeting shall be held annually in July or August.

Section 2. Special meetings shall be held at such time and places as called by the Board of Directors. Notice of regular and special meetings shall be sent out by the secretary at least fifteen (15) days in advance of the meeting.

Section 3. A joint meeting with other allied and/or interested organization may be held each year. Such meetings shall not be held within two (2) months prior to or following the annual meeting of the PWEA.

ARTICLE IX

Committees

Section 1. Executive Committees. The Executive Committee shall consist of the President, First Vice President, Second Vice President, Immediate living Past President, Secretary/Treasurer, and/or Executive Secretary, Parliamentarian, and the Vendor and Sponsor Chair. The President shall be the chair and the Secretary/Treasurer shall be the secretary of the committee. In the absence of the President, the chair shall be in order as described in the latest edition of "Roberts Rules of Order Newly Revised".

b. Between meetings of the Board of Directors, the Executive Committee may discharge all management and fiscal duties of the Board of Directors, for the Association, however, it shall report to the Board of Directors at its next scheduled meeting all actions taken with regard to the Association.

Section 2. The President shall appoint the Chairs for the Committees listed in this Article, except for the Program Committee, the Nominating Committee, the Auditing Committee, the Certification Committee, the Constitution and By-Laws Committee, and the Executive Committee. The selection process or qualification for these committees are specified elsewhere in the By-Laws.

Section 3. The Chair of each committee, with the concurrence of the President, shall select the number of people he/she feels is necessary to accomplish the mission of the committee, but in no case shall that number be less than three (3). The Chair shall select one of the committee members to be the Vice Chair. The Chair and Vice Chair shall select a Secretary for the committee.

Section 4. There shall be a Program Committee consisting of at least three (3) members who shall make necessary arrangements for the meeting. The Chairmanship of this committee shall rotate. The President shall chair this committee and be responsible for the meeting arrangements for the September and November meetings during his/her Presidency. This committee shall notify the Secretary of the completed arrangements for a scheduled meeting two (2) months prior to the meeting dates. The Secretary shall notify the general membership of the dates, times, and places of the meetings.

Section 5. The President shall appoint a Nominating Committee, consisting of a Chair and two or more additional members, who shall prepare a list of nominees for the various offices. This list shall be submitted to the Association at the meeting for elections of officers in November. At least one (1) member of the Committee shall have never held an office in the Association.

Section 6. The President shall appoint an Auditing Committee, consisting of a Chair, and two additional members, all of whom shall be past or present officers and/or designate an accountant who shall review the Treasurer's books and report their findings

at the January Board of Directors' meeting. At the August Board of Directors' meeting, the board shall decide the level of financial review to be performed and who shall perform it. If no action is taken, the level of the previous year's review will be followed.

- a. An audit is a detailed report of assets, liabilities, income, fund balances, and supporting documents to include individual members dues verification.
- b. A review is a financial statement of assets, liabilities, income, disbursements, fund balances, and interviews with relevant individuals to analyze the finance procedures of the Association.
- c. A compilation is a financial statement of assets, liabilities, income, disbursements, and fund balances, as well as information regarding the responsibilities of individuals involved in the financial process of the association. A Certified Public Accountant shall express no opinion or other form of assurance regarding the fiscal propriety of those responsible, uncovered during the compilation.

Section 7. The President shall appoint a Certification Committee Chair. All the appointees to the committee shall hold a valid PA Sewage Treatment Plant Operator's Certificate. This committee shall keep the membership abreast of any changes concerning certification in general. The responsibilities of this committee shall be to assist the membership with certification problems.

Section 8. There shall be a Constitution and By-Laws Committee with the elected Parliamentarian serving as the Chair. The committee is responsible for a continuous review of the Constitution and By-Laws. The committee shall make recommendations to the Board of Directors and the general membership of proposed changes to the Constitution and By-Laws. The committee shall, at the request of the President, Board of Directors, or the general membership, conduct investigations and make recommendation relating to the Constitution and By-Laws.

Section 9. The President shall appoint a Picnic Committee Chair. The committee shall make the necessary arrangements for an annual picnic. This committee shall notify the Secretary of the completed arrangements three (3) months prior to the picnic date.

Section 10. The President shall appoint a Membership Committee Chair. This committee shall be responsible for soliciting new members and contacting members who become delinquent in their dues.

Section 11. The President shall appoint an Awards Committee Chair. The committee shall select the recipients for all awards in accordance with established award guidelines.

Section 12. The President shall appoint a Publicity Committee Chair. The duties of this committee are as follows:

- a. to publicize all Association activities in the Pennsylvania Water Environment Association Magazine.

- b. to publicize each Association meeting in all available sources of public news media which serve the surrounding areas of the meeting locations.
- c. to be responsible for photographing highlights of each activity and any special photography.
- d. to handle any special publicity requested by the Board of Directors or the President.

Section 13. The President shall appoint a Safety Committee chair. Guidelines for this committee are as follows:

- a. The committee shall conduct at least one (1) safety training session a year.
- b. The committee is responsible for displaying a safety poster at each meeting.
- c. The committee is responsible for coordinating safety award requirements with that of the PWEA Safety Committee (including eligibility).
- d. The Safety Award period shall be from June 1 to May 31 and award application shall be made available to the membership.

Section 14. The President shall appoint an Education and Training Committee Chair. The purpose of the Education and Training Committee is to provide information and educational opportunities for wastewater treatment plant personnel who wish to improve their skills, to broaden their understanding of their jobs, and to advance in the field.

Section 15. The President shall appoint a Governmental Affairs Committee Chair. The committee shall meet as the need arises. The committee shall advise and make recommendations to the Board of Directors on current or pending legislation and its effect on the wastewater treatment industry.

Section 16. The President shall appoint a Computer Use Committee Chair. The committee is responsible for the following:

- a. a. The committee shall be responsive to request of the President or the Board of Directors that can be performed readily by computer
- b. the committee shall sponsor and the Eastern Pennsylvania Computers Users Group as a resource for information and communication among computer users in the Association.
- c. The committee shall meet as the need arises.
- d. The committee shall be responsible for arranging one full day training session each year.

Section 17. The President shall appoint a Trade Show Committee Chair. The Trade Show Committee shall establish a date for the show; arrange for an appropriate location,

meals, advertising, and publicity; contact and contract vendors; establish fees and charges; and arrange for badges, prizes, and all other related material, i.e. tables, table covers, chairs, sound systems, etc.; necessary to conduct the show in a professional manner.

Section 18. The President shall appoint a Training Tape and Material Committee Chair. The Training Tape and Material Committee shall be responsible for purchasing and maintaining an audio and visual tape library, negotiating and coordinating contracts, and handling receipts for the loan of tapes to Association members and/or from other organizations for our Association's use. The committee shall be responsible for the distribution and recovery of tapes and materials to include, but not limited to, monitoring their condition and conducting physical inventories as necessary. As films, projectors, screens, sound systems, and other training material become a part of the Association's inventory, the committee shall be responsible for these items.

Section 19. The President shall appoint an Audio/Visual (A/V) Management Committee Chair.

- a. The committee will provide or arrange for the storage, transportation, and distribution of the A/V equipment.
- b. The committee will make A/V equipment available for meetings, training courses, seminars, and other related functions.
- c. The committee shall act upon requests for A/V equipment which shall be submitted to the chair by using an A/V form.

Section 20. The President shall appoint a Scholarship Committee Chair.

- a. The Purpose of this committee is to provide financial assistance for educational purposes to individuals who want to improve their knowledge of the water pollution industry, and can demonstrate that the education they will receive will be used to enhance or improve the water pollution industry.
- b. There are two types of scholarships.
 1. Member Scholarships - Member scholarships may be awarded to member of the Association, who are in good standing to continue their education in the water pollution control industry.
 2. Student Scholarships - Student scholarships to continue post-high school education may be awarded to the children of members who are in good standing or who were in good standing at the time of their death as the case may be.
- c. More than one scholarship may be awarded per year, but not to the same person.
- d. Scholarship requests will be considered based on past achievements and contributions to the water pollution control industry, as well as the intended use to enhance or improve the industry.
- e. Funding will be provided by the Association based on the recommendation of the Scholarship Committee.

1. Scholarship funds for awardees shall be mailed by the Association directly to the college or institution of higher learning.

In the case of other types of formal or informal schooling, including but not limited to, training sessions, symposiums or short courses, the funds shall be mailed to the sponsor of the course.

- f. Board of Directors responsibility.
 1. The Board will review and approve the Scholarship Guidelines and changes that will be used by this Committee.
 2. The Scholarship Committee will forward recommendations to the Board for approval before payment.

Section 21. The President shall appoint a Public Education Committee Chair. The purpose of the committee is to get people involved in the education process of water quality. The committee shall provide and promote resources and strategies for educating the public on water quality issues by using Association members, community organizations, schools, civic groups, and local decision makers to educate the public.

Section 22. The President shall appoint an Industrial Waste Committee Chair. This committee is responsible for all aspects of industrial waste pre-treatment, treatment, and related matters. The committee shall make recommendations to the Board of Directors for Industrial Pre-Treatment Program Award procedures. The committee shall submit names of nominees for the Industrial Waste Pre-Treatment Program Award to the Awards Committee for their consideration. They shall also conduct training sessions on industrial waste and industrial waste pre-treatment topics.

Section 23. The President shall appoint a Laboratory Committee Chair. The Committee shall meet as necessary. The committee shall research and provide guidance to laboratory personnel regarding collection and compliance testing required by the Pennsylvania Department of Environmental Protection. The committee shall be responsible for arranging training sessions.

Section 24. The President shall appoint a Vendors and Sponsors Committee Chair. The committee will consist of Association members, vendors, sponsors and past meeting hosts. The purpose of the committee will be to serve as a sounding board for exhibitors, sponsors, and advertisers to voice their opinions and concerns to the Association.

- a. The committee shall maintain a list of possible topics and speakers to be used for training sessions and/or mini- training sessions.
- b. The committee shall have representatives at facility tours and other exposure opportunities to assist in the exhibit area.

The committee may submit a list of topics for training sessions and mini-training sessions.

- c. The committee may submit nominees to the Awards Committee for the Joseph N. McKenna Memorial Award.

Section 25.

- a. The following committees are responsible for offering training sessions and/or mini-training sessions. Scheduling of these training sessions and mini-mini-

training sessions shall be finalized by the August Board of Directors meeting for the following year. These committees shall be responsible for arranging training sessions:

**Safety Committee
Education and Training Committee
Computer User Committee
Industrial Waste Committee
Laboratory Committee**

b. The topics for the mini-training sessions at meetings may be selected by the meeting host and the association officer (President, Vice President) responsible for the meeting.

Section 26. The President, at any time, and/or a majority of the Board of Directors at a duly called meeting, shall have the authority to appoint any special committee necessary to carry on the business or special duty for the well-being of the Association.

ARTICLE X

Quorum

Section 1. At any general membership meeting of the Association, a quorum shall consist of twenty-five (25) members.

Section 2. At any Board of Directors meeting of the Association, a quorum shall consist of twelve (12) directors.

ARTICLE XI

Geographic Area

Section 1. The geographic area of this Association shall be bounded on the north, east, and south by the Pennsylvania State Line and on the west by the western boundaries of Susquehanna, Wyoming, Luzerne, Schuylkill, Lebanon, and Lancaster Counties. This area will be considered the general area of meetings.

Section 2. Applications for membership shall be accepted from any person covered by Article III, regardless of their geographic location.

ARTICLE XII

Parliamentary Authority

The rules contained in the current edition of “Roberts’ Rules of Order Newly Revised” shall govern the Association in all cases to which they are applicable and in which they are not inconsistent with the Constitution and By-Laws and any special rules of order the Association may adopt.

ARTICLE XIII

Amendments

Amendments to the Constitution and By-Laws may be made by a two-thirds vote of members present at any meeting, notice of the proposed amendment having been given to the members of the Association thirty (30) days in advance of the said meeting.

Amended March 29, 1957
Amended May 26, 1961
Amended November 17, 1967
Amended November 19, 1971
Amended September 20, 1974
Amended September 1, 1979
Amended May 21, 1982
Amended May 22, 1987
Amended March 30, 1990
Amended November 16, 1990
Amended March 22, 1991

Amended May 22, 1992
Amended September 22, 1995
Amended November 17, 1995
Amended November 15, 1996
Amended November 21, 1997
Amended November 19, 1999
Amended September 21, 2001
Amended November 21, 2003
Amended XXXXXX XX, 2005
DRAFT

Eastern Pennsylvania Water Pollution Control Operators Association, Incorporated Constitution & By-Laws

Proposed for September 2005---

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Vice President
Secretary/Treasurer
Parliamentarian
PWEA Representative
PWEA Alternate Rep.

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