

Section 4. **Public Notice.** Public notice of Meetings of the Water Commission shall be given by the Water Systems Manager, as Clerk of the Commission, in accordance with M.G.L. 39, 23A to 23C. Except in emergencies, the Commission will file a notice with the City Clerk and a copy thereof in the public office of the Commission at least 48 hours (including Saturdays but not Sundays and legal holidays) prior to the Meeting. The notice will include the date, time and place of the Meeting.

Section 5. **Conduct of Meetings.** All Meetings of the Commission shall be open to the public and any person shall be permitted to attend any Meeting except as otherwise provided in accordance with M.G.L. 39, 23A-23C. At each Meeting of the Commission, the Chairman shall act as Presiding Officer, and the Water Systems Manager, as Clerk of the Commission shall cause to be prepared minutes of all business transacted by the Members at such Meeting.

Section 6. **Transaction of Business.** At all Meetings of the Commission the following order of business shall be observed so far as is consistent with the purposes of the Meeting, unless waived by the affirmative vote of at least three Members:

- (a) call to order,
- (b) approval of the minutes,
- (c) report of the DPW Commissioner,
- (d) report of the Superintendent of Utilities,
- (e) report of the Water Systems Manager,
- (f) old business,
- (g) new business,
- (h) adjournment.

However, failure to observe the foregoing order of business shall not affect the validity or any action taken out of such order, unless a Member present at the Meeting shall object to departure therefrom

Section 7. **Quorum.** Three Members of the Commission shall constitute a quorum, and a majority vote of three Members of the Commission shall be necessary for any action taken by the Board. No vacancy in the membership of the Commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the Commission.

## **ARTICLE V. ORGANIZATION OF THE COMMISSION**

Section 1. **Organization and Officers.** The Commission shall have a Board of Water Commissioners as provided in the Enabling Act which shall have final authority to manage all affairs and business of the Commission and to exercise all powers given to it under Section 23-30 of the Enabling Act. The Chairman of the Commission shall be annually elected from one of its 3 appointed members. The Commission shall annually elect one of its Members Vice-Chairman.

The officers of the Commission shall be a Chairman, a Vice-Chairman and a Clerk.

The Water Systems Manager, the DPW Commissioner and the Superintendent of Utilities shall compose a non voting Executive Committee with the powers and delegations provided in this Article and as the Water Commission may from time to time direct. The DPW Commissioner and Superintendent of Utilities are appointed by the Mayor with confirmation by the Council. The Water Systems Manager is elected by the Water Commission.

Section 2. **Water Commission.**

(a) **General.** The Commission shall consist of Members whose appointments, terms and qualifications shall be governed by the provisions of Section 23-30(a) of the Enabling Act.

(b) **Chairman.** In addition to powers and duties expressly provided for elsewhere in these by-laws, the Chairman shall have such powers and perform such duties as may from time to time be voted by the Water Commission.

(c) **Vice-Chairman.** The Vice-Chairman shall have all the powers and discharge all the duties of the Chairman upon the absence, inability or incapacity of the Chairman. The performance by the Vice-Chairman of the duties or the exercise of the power of the Chairman shall be presumptive evidence of the absence, inability or incapacity of the Chairman, and a certificate by three Members of the Commission as to such absence, inability or incapacity, or by the Commission as to such absence for any Regular or Special Meeting, shall be conclusive evidence thereof.

(d) **Clerk of the Commission** The Clerk of the Commission (the Clerk) shall be the appointed Water Systems Manager.

~~(d)~~ **e) Authority.** The Commission shall have full authority to manage the affairs and business, exercise all powers given to it under the Enabling Act and prosecute, amend or repeal by-laws, rules, regulations and procedures concerning the manner in which the business of the Commission may be conducted, and the powers granted to it, so long as consistent with applicable statutes of the City of Brockton. From time to time, subject to the provisions of Article V, Section 3(b) of these by-laws, the Commission may delegate matters relating to the management and operations of the Commission to the Water System Manager or the Executive Committee or to any other officer of the Commission.

Section 3. **Executive Committee and Other Officers.**

(a) **Appointment.** ~~The members of the Executive Committee shall be comprised of the Water Systems Manager, the Commissioner of Public Works, and the Superintendent of Utilities as appointed by the Commission or the Mayor as provided in the Revised Ordinances of the City of Brockton; and in Article V section 1 of these articles.~~

The Commissioner of Public Works shall act as Executive Director of the Executive Committee and the Water Systems Manager shall act as Clerk of the Committee.