

BEVERLY BEACH WATER DISTRICT

RESOLUTION NO. 2015-001

A RESOLUTION OF BEVERLY BEACH WATER DISTRICT ADOPTING NEW BYLAWS, POLICIES, RATES AND REGULATIONS DRAFTED ON SEPTEMBER 2010

WHEREAS BBWD Bylaws, Policies, Rates, and Regulations was revised and updated to combine previous district bylaws and resolutions and

WHEREAS the BBWD Board has reviewed and revised said Bylaws, Policies, Rates, and Regulations to account for adjusted billing rates, charges and

WHEREAS the Board has held a public meeting to discuss said Bylaws, Policies, Rates, and Regulations and have recommended their adoption by the Board of Commissioners that they would be in the best interest of the District to adopt the new Bylaws;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that the Bylaws, Policies, Rates, and Regulations attached hereto as Exhibit 1 are hereby adopted and approved.

PASSED BY THE Board of Commissioners of Beverly Beach Water District at their special public meeting held on September 8, 2015 and recorded in the meeting minutes

 9/15/15

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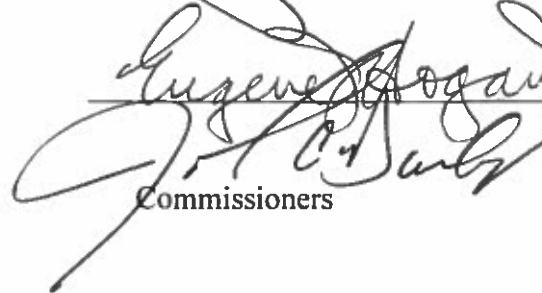
 09-15-2015
Commissioners

EXHIBIT 1
RESOLUTION 2015-001

Revised

Beverly Beach Water District



Drafted: September 6, 2010
Adopted: September 8, 2015

BYLAWS, POLICIES, RATES AND REGULATIONS

Section 1. Purpose.

The purpose of the District is to supply potable water to the people of the District, to develop, maintain and improve the District water system, and to arrange for financing and collection of monies for the District's activities. The district shall also have the purposes and powers set forth in ORS 264 and as otherwise set forth in Oregon Statutes pertaining to domestic water supply districts.

Section 2. Policies

All policies of the District shall be determined by majority vote of the Board of Directors. A quorum of at least three Board members must be present to conduct Board business.

Section 3. Regular Meetings of the Board of Directors.

The regular meeting of the Board of Directors shall be held on the third Tuesday of each month, beginning at 7:00 p.m., or at such other time on such other day as shall be fixed by the Board of Directors, for the purposes of transacting District business. If such day should be a legal holiday, the meeting shall be set for another date by the Board of Directors at a prior meeting. Public notice of all such meetings shall be in conformance with State Statutes.

Section 3a. Special Meetings.

Special meetings of the Board of Directors may be called by a director of this District by giving the same notice as required for regular meetings or as otherwise provided by Oregon Statutes. A brief statement of the object or objects of such special meeting shall be included in the notice.

Section 4. Board of Directors.

The qualifications of board members are set forth in ORS 264.410. The Board consists of five Board members, elected for four year terms in conformance with Oregon Revised Statute 264. Terms are staggered to prevent a number of members retiring in a single year. Any district resident that is registered to vote in the district is eligible to serve on the Board. If there are fewer than 100 electors in the district, then any individual who owns and maintains a property within the district, pays taxes levied thereon by the district and is an elector registered anywhere in this state may serve as commissioner. The board members are elected by the voters and are responsible to the patrons of the district. If any board member does not comply with the statutes set forth in ORS 264, the statute specifically has set forth a procedure for recalling board members. If a board member should have 3 unexcused absences, that member may be asked to resign. The Board shall consist of three officers: a President, a Treasurer and a Secretary. The 4th and 5th positions are not officers. Although, not a Board member, the Superintendent or representative will be present at the Board meetings. The Superintendent shall be responsible to the Board for joint management, operation and maintenance of the plant and it's supporting equipment and properties. The job description and salary for this position is the responsibility of the Board.

Section 5. Conduct of Meetings.

At all meetings of the Board, the President or Vice-President, shall preside. Another board member may preside if the President and Vice President are absent. The order of business at all meeting of the board of Directors shall be as follows:

- A. Roll call
- B. Reading of the minutes of the preceding meeting
- C. Reports- Treasurer
- D. Unfinished business (old business)
- E. New business
- F. Elections and Motions

Section 6. Duties of the Board.

It shall monitor ongoing service and maintenance of the water plant and equipment. It shall establish an annual budget for the District and insure that an independent review is made of the District's financial records. It shall establish rules and regulations for the District in accordance with Oregon Revised Statute 264. The Board has a moral and ethical responsibility to discharge its functions in the interest of the greatest good to the greatest number of District residents at all times. The Board shall have the power and authority to make rules consistent with the laws of the state of Oregon and the Bylaws of this District. Any vacancy in the Board shall be filled as quickly as possible and in the event a vacancy must be filled before they can be officially nominated by election, they will act as a member of the Board in all capacities until the appointment expires or they are elected to a full term. The Board shall also have the duties prescribed in ORS 264 and other applicable Oregon statutes.

Section 7. Financial Management

All checks, drafts, or orders for payment of money, notes or other evidences of indebtedness issued in the name of the District shall be signed by the President or Treasurer along with the district accountant. If these Board members are not available, other board members may be designated by the board to sign such documents. Funds collected will be deposited in a timely manner into the proper District account depending on the designation of those funds. Real or personal property owned by the district, improvements thereon, shall not be sold, conveyed, or transferred in any manner, share or form without a resolution in writing and being adopted by the Board of Directors. A monthly Treasurer's report will be submitted each month to the Board. The report shall consist of (a) a balance sheet showing current assets and liabilities and (b) a revenue and expense report detailing current month and year to date revenues and expenditures against the adopted annual budget.

Section 8. Water Services

A. The standard water hook-up will consist of a $\frac{3}{4}$ inch, or larger water pipe, not to exceed 1-1/4 pipe.

B. Privately installed booster pumps may result in excess water usage and/or reduction of water flow or lowering of pressure on the district lines, therefore they are not allowed, unless authorized in writing by the District. Any such pumps found to be installed, without District authorization, will subject the property owner to a fine and/or termination of water service. Actual hardship to the district shall be presumed and need not be proven. The amount of the fine shall be determined by the Board.

C. Each water user has a perpetual right to water service subject to cancellation for non-payment for service or failure to comply with District regulations.

D. Each residence, or other water provided structure or property, shall have a shut off valve on the entrance line. Said valve and its location shall be identified by district personnel, its location readily accessible from the street.

E. Any plot or property or subdivision, receiving County approval after the date of this revision, will be required to advance 100% of the total cost (material, labor, engineering, legal fees, etc) of extension of District lines based upon the Superintendent's estimate prior to extension of District lines to their subdivision or plot.

These lines must be on land of public domain or on a service easement granted to the District through private land. The applicant will be responsible for obtaining and paying for all rights of way or easements necessary. Upon connection to the District's System, the lines, easements and rights of way shall become the property of the District. All easements and rights of way will be reviewed and approved by the District's legal counsel. The applicant will be responsible for obtaining and paying for all necessary legal fees incurred by the District, recording fees and costs, etc., associated with transfer of the lines and easements to the District.

F. A developer may elect to install the lines, but the lines will be installed to District specifications, and will require inspection and approval of the Superintendent prior to connection to District System. All easements, etc. will be reviewed by the District's

legal counsel. In all cases, hydrant tees and valves are to be included as recommended by the insurance rating bureau.

G. The water connection fee and System Development Charge (SDC) is in addition to the charges that are discussed in the previous paragraphs. See notation regarding SDC's paid in advance toward the end of the rates section. A water service connection consists of tapping of the main, corporation stop, piping and fittings, curb stop, customer's valve, check valve and eventually meters. Water service connections are the property of Beverly Beach Water District. Removal of, tampering with, or modification of this property will result in the disconnection of water service. Once disconnected, water service will remain disconnected until repairs have been made and inspected by the Water District. Violations, such as those mentioned above will be prosecuted to the full extent of the law.

H. No water from the District's water system is to be turned on or off through the meter or any other means by any other than District personnel or authorized agents.

I. All water piping outside or inside buildings and residences is to be maintained in good condition to prevent waste through leaks.

J. Water service may be temporarily interrupted in whole or part of the system by the District to facilitate repairs, maintenance, or other necessary purposes. On such occasions, every effort will be made to inform the water users when and for what period the service will be off. The District will not be responsible for damages resulting from the interruption or resumption of service, or damages resulting from the lack of service during such period.

K. Water service applications are available at the District. All applications must be accompanied by payment in full or the fee for the service requested. All connection fees are to be paid in full in advance of installation. After connection is completed, and after the meter connection is completed (once meters are incorporated into the District), service will be turned on.

L. All fee and rate schedules will be determined, from time to time, by resolution of the Board of Directors and in compliance with ORS 264.

M. If water service has been terminated for any reason and unauthorized persons turn the water on, the District may remove access to the water and require submission of a renewal application and additional fees and charges be paid prior to re-connection.

N. Nothing herein shall be construed to limit the power or authority of the Board and District as set forth in ORS 264 and other applicable Oregon Statutes and law. If there is a conflict between these regulations and Oregon Statutes, the Oregon Statutes shall control.

Section 9. Rates and Services and Payments

Monthly water fee, residential	\$41.00 46.00
Monthly water fee, commercial (Store and Apartment on BB Dr.)	\$36.00 plus 10.00 per month March through September; Apt is \$36.00 plus \$10.00 all year round.
Turn off fee	\$50.00
Turn on fee	\$50.00
SDC charge	\$5000.00 \$6,500
Hookup Fee	\$650 \$1,200 min. or the actual cost of hookup if over the minimum fee.
Late fee, 30 days	5% of past due bill
Late fee, 60 days	15% of past due bills and shut off notice
Late fee, shut off 61 days	Shut off water, \$50.00 reconnect fee, plus all past due amounts before reconnection. The 15% past due fee will be accumulative and continue, even after water is shut off, until paid in full.
Returned check fee	\$35.00
Vacation fee	\$10.00 per month to cover assessment Even if water is shut off completely

All monthly water fees are due by the 15th of the month. Property owners are responsible for payment of water bill not paid by their renters. Owners are subject to all regulations contained herein and responsible for any of their tenants acts which affect the districts service or equipment. The water bill may be paid in advance for up to 12 months. If there is an increase in monthly rates, the owner will be responsible for any months of increase not included in their advance payment. SDC charges will have the similar rules. If an owner or developer pays SDC charges in advance and the rates change, the owner or developer will be responsible for the additional fees/charges before water connection will be allowed no matter when the advance payment was made.

Additional fees may be imposed once the District moves to full metering. The Board of Directors has the authority to review the fees and to implement changes as needed according the Oregon Revised Statute 264.

The right is reserved by the Board to amend or add to these bylaws, policies, rates and regulations when required.

Dated September 6, 2010: Notice to property residences: August 1, 2015

By-laws, Policy and Rates adopted at Public Meeting: September 8, 2015

President John Barbay

_____ Date: _____

Treasurer Patti Frazier

_____ Date: _____

Secretary Eugene J. Hogan

_____ Date: _____