

Revised May 20, 2020



## BYLAWS, POLICIES, RATES AND REGULATIONS BEVERLY BEACH WATER DISTRICT

### Section 1. Purpose

The purpose of the Beverly Beach Water District (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. Definitions

*Water Service Connection:* A connection to the District water system for the purpose of providing potable water to a residential or commercial lot. A property is considered to have an active service connection when the property contains a structure or trailer that permanently or occasionally uses water. A lot that has a previous water service connection but is no longer using that connection and either has no structures or is adjacent to another lot of common ownership that has an active water service connection is not considered an active service.

*Residential Service:* A water service connection for a dwelling unit as defined by Lincoln County ordinances 487 and 490 and any subsequent revisions or modifications, trailer, or other structure that is owner-occupied.

*Commercial Service:* A water service connection for a commercial enterprise or business including vacation rental property as documented by Lincoln County ordinances 487 and 490 and any subsequent revisions or modifications.

*System Development Charge (SDC):* A charge for a new water service connection intended to recover the costs of water system investment attributable to the connection. An SDC credit will remain with an inactive property for a period of ten (10) years. from the date of service disconnection. After ten (10)

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years, reconnection will require submission of a new application for water service and a new SDC charge will be assessed.

*Disconnection:* Physically removing a water service connection from the water system. Re-establishment of service shall be considered a new water service connection.

### **Section 3. Policies**

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

### **Section 4. Regular Meetings of the Board of Commissioners**

The regular meeting of the Board of Commissioners shall be held monthly at such time and day as determined by the Board of Commissioners, for the purposes of transacting District business. If such day falls on a legal holiday, the meeting shall be set for another date by the Board of Commissioners at a prior meeting. Public notice of all such meetings shall be in conformance with State Statutes.

### **Section 4a. Special Meetings**

Special meetings of the Board of Commissioners may be called by a Commissioner of the 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 5. Board of Commissioners**

The qualifications of Board members are set forth in ORS 264.410. The Board consists of five 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, 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 has a specific procedure for recalling Board members. If a Board member has 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 4<sup>th</sup> and 5<sup>th</sup> 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 its supporting equipment and properties. The job description and salary for this position is the responsibility of the Board.

### **Section 6. Duties of the Board**

The Board shall monitor ongoing service and maintenance of the water plant and equipment. At all meetings of the Board the President shall preside. Another Board member may preside if the President is absent. The Board 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. In the event a vacancy occurs before it can be filled by nominated election, the Board will appoint an interim who 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. If these Board members are not available, other Board members may be designated by the Board to sign such documents. All expenditures in excess of \$2,000 shall be approved by the Board. 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 Commissioners. A Treasurer's report will be submitted monthly to the Board. The report shall consist of (a) a balance sheet reflecting current assets and liabilities and (b) a revenue and expense report detailing current month and year-to-date revenues and expenditures compared to the adopted annual budget.

### **Section 8. Water Services**

A. The standard water service connection will consist of a ¾ inch, or larger water pipe, not to exceed 1" 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, and therefore are not allowed unless authorized in writing by the District. Any such pumps

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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 service connection shall have a shut off valve on the customer side of the service connection or water meter. All connections shall comply with Oregon Revised Statutes and Oregon Plumbing Code including the installation and testing of backflow prevention devices as applicable.

E. No more than two (2) recreational vehicles may be connected to any water service.

F. Any plat, property or subdivision, after receiving development approval by Lincoln County, will be required to advance 100% of the total costs (material, labor, engineering, legal fees, etc.) associated with the necessary extensions of the District water system, based upon the Superintendent's estimate prior to construction of the extension. The applicant for water system extension shall be responsible for all actual costs of the extension.

The extension of the District water system must be constructed within land of public domain or on a utility easement granted to the District across land of private ownership. The applicant will be responsible for obtaining and paying for all rights of way or easements necessary. Upon connection to the District's system, all improvements and easements shall become the property of the District. All easements shall be reviewed and approved by the District's legal counsel prior to acceptance by the District. The applicant will be responsible for all legal fees, recording fees and other costs associated with transfer of ownership of the improvements and assignment of easements to the District.

G. A developer may elect to install necessary water system improvements. Improvements shall be designed and installed in accordance with District and Oregon Health Authority specifications, and will require inspection and approval by the Superintendent or designee prior to connection to District system. In all cases, hydrants, tees, and valves are to be included as recommended by the insurance rating bureau.

H. The water connection fee and System Development Charge (SDC) are in addition to the applicable water system extension costs that are discussed in the previous paragraphs. A water service connection consists of tapping of the main, corporation stop, piping and fittings, curb stop, customer's valve, check valve and water meter. Water service connections are the property of the District, from the main, up to and including the meter, or to the property line if a meter is not present. Removal of, tampering with, or modification of the District's water

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system, including service connections, will result in the disconnection of water service. Once disconnected, water service will remain disconnected until repairs have been made, inspected and approved by the District, and associated charges, fees and penalties are paid in full. Tampering with a public water system is a violation of State statute and will be prosecuted to the full extent of the law.

I. Only District personnel or authorized agents shall turn on or off any valve or meter owned by the District.

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

K. Water service may be temporarily interrupted in whole or part of the system by the District to facilitate repairs, maintenance, or other necessary purposes. The District may turn off water to a service connection if a leak on the customer side of the service is detected. 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.

L. All requests to connect to, or extend, the District's system shall be done by completing and submitting an application. Water service applications are available by contacting the District. All applications must be accompanied by payment in full for the service requested. All connection fees and SDC's are to be paid in full in advance of new service installation. The Board shall approve all water service applications by motion.

M. All fee and rate schedules shall be established by resolution of the Board of Commissioners and in compliance with ORS 264.

N. If a water service connection has been turned off for any reason, and unauthorized persons turn the water on, the District may permanently disconnect the water service connection and require submission of a new water service application and payment of applicable fees and charges prior to reestablishing the water service connection.

O. 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, Fees and Charges**

- Residential Monthly water fee: \$58.80
- Commercial Monthly water fee: \$108.80
- SDC charge \$6,500.00 due prior to connection
- New Service Connection Fee \$1,200 min., or the actual cost of connection 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 at 70 days Shut off water, \$50.00 reconnect fee, plus all past due amounts before reconnection. The 15% past due fee will be cumulative monthly and continue, even after water is shut off, until paid in full.
- Returned check fee \$35.00
- Disconnection Fee: \$200.00

All monthly water fees are due by the 25<sup>th</sup> of the month. Property owners are responsible for payment of water bill not paid by their tenants. 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 all increases not included in their advance payment. SDC charges will have 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.

A 5% late fee shall be assessed to accounts for amounts 30 days past due. A notice shall be sent with the regular water bill notifying account holder of past due amount. A 15% late fee shall be assessed to accounts for amounts 60 days past due. A shutoff notice shall be sent with the regular water bill notifying account holder of past due amount and notification that water will be shut off within 10 days if payment is not received. Water will be shut off for all accounts that are 70 days past due. A reconnection fee of \$50 will be assessed and all past due

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amounts including 15% late fee, cumulative monthly, shall be paid before reconnection.

The Board of Commissioners 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:

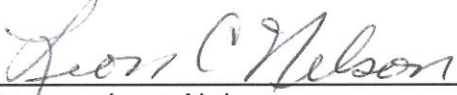
Notice to property residences: August 1, 2015

Bylaws, Policy and Rates adopted at Public Meeting: September 8, 2015

Revised as part of public notice: May 20, 2020

  
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President: Timothy Gross Date: 5/20/20

  
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Treasurer: Kendra Holloway Date: 5/20/20

  
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Secretary: Leon Nelson Date: 5/20/2020

Document revised per Resolution (BBWD-001) changes voted on at May 20, 2020 Board meeting