



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 single family home, duplex, 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.

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 a property if the service connection becomes inactive for a period of 10 years from the date of service.

disconnection. After that period of time a new SDC charge will be assessed to property upon application for a new water service connection.

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Section 32. 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 43. Regular Meetings of the Board of Directors.

The regular meeting of the Board of Directors shall be held ~~monthly on the third Tuesday of each month, beginning at 7:00 p.m., or~~ at such ~~other~~ time ~~on such other~~ and 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 43a. Special Meetings.

Special meetings of the Board of Directors may be called by a ~~d~~Director of the ~~is~~ 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 54. 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

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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 65. 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 76. Duties of the Board.

The Board 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 87. 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

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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 98. Water Services

A. The standard water ~~hook-up~~ 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 ~~d~~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 ~~D~~istrict 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,~~service connection shall have a shut off valve on the customer side of the service entrance connection or water meter 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, after, receiving development approval by Lincoln County approval, after the date of this revision, will be required to advance 100% of the total costs (material, labor, engineering, legal fees, etc.) ~~of associated with the necessary extensions of the District water system, extension of District lines~~ based upon the Superintendent's estimate prior to construction of the extension of District lines to their subdivision or plot. The applicant for water system extension shall be responsible for all actual costs of the extension.

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

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ownership of the improvements~~the lines~~ and assignment of easements to the District.

F. A developer may elect to install necessary water system improvements~~the lines~~. Improvements shall~~but the lines will~~ be designed and installed in accordance with~~the~~ District and Oregon Health Authority specifications, and will require inspection and approval by~~of~~ the Superintendent or designee prior to connection to District sSystem. All easements, etc. will be reviewed by the District's legal counsel.~~In all cases, hydrants, tees, and valves are to be included as recommended by the insurance rating bureau.~~

G. The water connection fee and System Development Charge (SDC) are~~is~~ in addition to the applicable water system extension costs ~~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~~ water~~eventually~~ meters. Water service connections are the property of Beverly Beach Water~~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 system, including service connections,~~this property~~ will result in the disconnection of water service. Once disconnected, water service will remain disconnected until repairs have been made, ~~and~~ inspected and approved by the Water District, and associated charges, fees and penalties as paid in full. ~~Violations, such as those mentioned above~~ Tampering with a public water system is a violation of State statute and 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~~ Only District personnel or authorized agents shall turn on or off any valve or meter owned by the District.

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. 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.

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

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

M. If a water service connection has been ~~terminated~~ turned off for any reason, and unauthorized persons turn the water on, the District may permanently remove access to the ~~disconnect the~~ water service connection and require submission of a new water service renewal application and payment of applicable ~~additional~~ fees and charges ~~be paid~~ prior to reestablishing the water service connection ~~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 109. Rates, Fees and Charges ~~Services and Payments~~

- Residential Monthly water fee; ~~residential~~ \$56.00
- Commercial Monthly water fee; ~~commercial~~
- ~~(Store and Apartment on BB Dr.) \$46.00 plus 10.00 per month~~
- ~~March~~
- ~~_____ through September; Apt is~~
- ~~\$56.00-106.00~~
- ~~_____ \$~~

~~Turn-off fee _____ No longer offered~~

~~Turn-on fee _____ No longer offered~~

- SDC charge \$6,500.00 due prior to connection
- New Service Connection
Fee Hookup Fee _____
 \$1,200 min., or the actual cost of connection hookup if over the minimum fee.
- Late fee, 30 days 5% of past due bill
- Late fee, 60 days notice 15% of past due bills and shut off
- Late fee, shut off 61 days
 _____ Shut off water,

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\$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 _____~~ ~~No longer offered~~

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

Revised as part of public notice: August 18, 2016(Insert date here)

President John Barbay

Date: _____

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Treasurer ~~Timothy Gross~~Patti Frazier

_____ Date: _____

Secretary Eugene J. Hogan

_____ Date: _____

Document revised per Resolution changes voted on at ~~July 19, 2016~~(Insert date here) Board meeting