

Tooley Water District

By-Laws

Effective 1/17/2013

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1. An election will be held each spring to fill board of director positions for the district as needed each spring as prescribed by Oregon law.
2. The Board will meet once each month or as often as necessary to properly handle the district's business.
3. If a board member resigns his position prior to end of his elected term of office, the remaining board members will appoint a person to fill the unexpired term until time the position can be filled at the next election.
4. The fiscal year is to begin on July 1st and to end the following June 30th both dates inclusive.
5. There will be no water sold outside the boundaries of Tooley Water District without the knowledge of all board members and agreement approved by the board of directors to sell said water.
6. If water service is requested at a property within the boundaries of Tooley Water District, the property owner will be required to pay **\$5,000.00** when making application for service to the District. Said sum will constitute the "hook-up fee". The property owner will then be a member /customer of Tooley Water District. Payment of the hook-up fee will entitle the property owner to be supplied a water meter, **back-low prevention device**, related fittings, and a shut off valve (to be operated only by authorized Tooley Water District personnel/representatives.). A concrete meter box, necessary lifts and lid will also be provided by the District. The property owner will supply and pay for all materials and labor to convey water from the existing source to the meter. All the material on the inlet side of the meter becomes property of Tooley Water District and must be installed subject to approval by the Board of Directors and /or the District's authorized representative.
7. No back filling will be done on installation of the water line to the meter and/or the meter box until the installation is inspected and approved by two board members and/or District authorized representative.
8. Meter will be installed well inside the property line and located in such a way that it will be protected from being run over by vehicles even if covered by snow. Meters will be kept free of trees and/or shrubbery including access to meter by District authorized personnel/representative.
9. The District will provide water service to only one meter per district lot. At no time will more than one dwelling be allowed to use water sold though one meter.
10. If an occupant desires to have the water service shut off during periods of non-use such request must be made to the board of directors for approval.

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- 11.** If the water service is approved to be shut off by request ***no charge*** will be assessed for the turn-off of the shut off valve. The stand by rate shall be no different than the current “base rate” per month and will be applied during the period of non-use. ***No additional charge*** will be assessed for the turn-on of the shut off valve. ***This is to apply for requested and approved valve turn-offs for seasonal vacancies and maintenance/repairs of member/customer’s water plumbing systems.***
- 12.** If a lot is vacated and no request is made to turn off the water, the board of directors reserves the right to turn off the water without notice. When the same lot is then reoccupied and a request is made for water service to be restored the occupant must then pay a **\$50.00** assessment (~~**\$25.00**~~ turn off assessment plus a **\$25.00** turn on assessment) prior to having water service restored.
- 13.** All turn off and turn on procedures must be performed by District authorized personell/representave.
- 14.** Tooley Water District will be responsible for all normal water district equipment repairs. Any damage to the District’s property as a result of abuse or misuse by/of non-authorized persons, the property owner or tenant shall become the responsibility of the property owner or tenant.
- 15.** All elected/appointed board members will be credited monthly with the base rate water fee for serving on the District board of directors. This amount will be above and beyond wages paid for labor or treasury work.
- 16.** Treasurer will be paid an amount agreed upon by the Board of Directors.
- 17.** When a meter fails and an accurate billing cannot be ascertained, the consumption for the same calendar month for the three (3) previous years will be averaged and the account charged accordingly.
- 18.** If during any single monthly billing cycle a member/customer of Tooley Water District uses two (2) or more times the monthly average (calculated by averaging the same billing months of the preceding two (2) years) and that amount of usage occurred as a result of a failure in the member/customer’s private water line the member/customer may request and adjustment to that month’s bill for that period only.

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19. The Board of Directors will consider each such request on an individual basis and an adjustment may be allowed if the over-usage is determined to be caused by a mechanical fault in the member/customer's system (such as a broken water line). The member/customer must take immediate steps to correct the fault in his/her system to qualify for the adjustment. No adjustment to a bill will be considered by the Board of Directors if the water over-usage is a result of negligence in the usage and/or maintenance of the member/customer's water system.

An adjustment to a member/customer's account for over-usage due to a fault in the member/customer's water system will be allowed only once in any two (2) year period.

Should the Board of Directors approve the adjustment in the member/customer's account the following calculation will be used:

Over-usage will be determined by subtracting the average gallons used during the same period of time of the preceding two (2) years from the amount of usage during the "request for adjustment" billing period. Over-usage will then be divided by two (2) then multiplied by the **current water usage rate** (not the monthly base rate) to determine the adjustment to the water bill.

At no time will the monthly base rate be reduced by the adjustment to the member/customer's bill.

20. Meter reading during the winter months shall be continued due to the current rate structure (monthly base rate plus (+) stepped water usage rate for all water used during the billing cycle.

21. Billing and shut-off policies for all customers. This policy coincides with the policies of Hiland Water Corporation as of 10-24-08

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Shut off policy

- A shut-off notice and date of disconnect is noted on the bill for accounts that are one or more months past due. If payment for the past due amount is not received by the morning of the shut-off day, the Hiland representative will attempt to collect the past due payment from the customer on that day or a subsequent day. If unsuccessful, the Hiland representative will post a door hanger on the door with amount owed along with office information and will lock off the water supply to the residence.
- A **\$50.00** shut-off fee is assessed in the event that a resident's water is shut off due to non-payment.
- A **\$50.00** reconnection fee is assessed for reconnection to the water line after it has been shut off due to lack of payment.
- If payment is made on the premises on the designated date of disconnection (shut-off day) then a **\$50.00** collection fee will be assessed *in addition to paying the account in full to date.*

Late fee and adjustment policy

- The monthly late fee is \$2 per month. The payment day is generally the 10th of the month.
 - Grace may be extended upon the judgment of the office manager.
- The owner of the property is responsible for the bill. The District will put the account into the renter's name **ONLY** after both the property owner and renter have signed rental agreements. The property owner is still ultimately responsible for any delinquent accounts.
- An owner and/or renter who disputes or questions a particular bill shall contact Hiland Water Corporation at the phone number or mailing address listed below:

Hiland Water Corporation
PO Box 699
Newberg, OR 97132
503-554-8333
Fax: 503-554-9215