

PANTHER CREEK WATER DISTRICT

GOVERNING BY-LAWS AND RATES, RULES & REGULATIONS

I. STATUTORY AUTHORITY and HISTORY:

The PANTHER CREEK WATER DISTRICT hereinafter referred to as PCWD was established on November 9th, 1965 by majority approval of the residents of the Panther Creek community area in accordance with State of Oregon election law then in effect. PCWD is managed and governed by a Board of five Commissioners who have been elected in accordance with the Oregon Constitution (Article XI, Section 12) and ORS Chapters 198 and 264.

In 2010, the borders of the district were increased to include the residents of the Salmon River Park community at the request of the residents, the Public Utility Commission of the State of Oregon, the former water supplier of the community, and other entities. A requirement for formal annexation exists and must be concluded on or before July 1, 2011.

II. BOARD OF COMMISSIONERS:

1. Membership and Qualification.

Members of The Board of Commissioners are elected to four year terms of office by popular election of the people of the district. The terms of office of the Commissioners are staggered so that either two or three full four year terms of office will be voted upon at each regular special district election. All positions on the Board of Commissioners are elected "at large" with no titles or other authorities given any position over any other position. The term of office of an elected Commissioner commences on June 30 next following the election.

Candidates for the Board of Commissioner must be an elector in the State of Oregon registered at an address within the district.

2. Officers.

At the first regularly scheduled meeting of the Board of Commissioners on or after June 30 next following any general election at which members of the Board of Commissioners were elected, the Board of Commissioners shall vote among themselves and elect the Officers of the Board of Commissioners for the new term.

The Officers of the Board of Commissioners shall be a Chairperson, a

Secretary, and a Treasurer. The position of Secretary and Treasurer may be jointly held by one Commissioner if the sitting Board of Commissioners deems it best and appropriate to so do.

3. Authority of the Board of Commissioners.

The Board of Commissioners shall have the power to make contracts, hold and receive and dispose of real and personal property within and without the prescribed boundaries of the PCWD, and do all other acts and things which may be requisite, necessary or convenient in carrying out the objects of the PCWD or exercising the powers conferred upon it by the State of Oregon or Lincoln County, sue and be sued, plead and be impleaded in all actions and suits or other proceedings brought by or against the PCWD.

4. Vacancies on the Board of Commissioners.

In the event of a vacancy on the Board of Commissioners the remaining Commissioners shall appoint an individual from the community at large to serve as Commissioner in the vacated position until the next general election at which Commissioners to the Board of Commissioners are customarily elected and at which election the position filled by the appointed Commissioner shall be referred to the public ballot. The appointed Commissioner shall have all the same rights, privileges, and responsibilities as the elected Commissioners. If the vacated position was that of an Officer of the Board of Commissioners a new vote of the Commissioners shall be taken to determine who shall then become the Officer in question.

5. Compensation of Members.

PCWD Commissioners are voluntary positions. A stipend not to exceed \$50.00 per meeting may be authorized by the Board of Commissioners in accordance with State of Oregon laws. No other compensation is provided for any member of the Board of Commissioners for services performed as a member of this governing body. The Board of Commissioners may provide for reimbursement of a Commissioner for actual and reasonable traveling and other expenses incurred on behalf of the Board of Commissioners or the PCWD.

III. EMPLOYEES OF THE PCWD.

There are three paid employee positions in the PCWD. Salaries, scheduled hours to be worked and other employee details shall be determined by the Board of Commissioners from time-to-time as circumstances deem necessary.

Current elected or appointed commissioners of the PCWD may not serve as an employee of the district until expiration of their term of office.

The first position is that of an Office Manager. It is the responsibility of the Office Manager to manage the day-to-day fiscal operation of the PCWD to include preparation of water bills, collection of accounts receivable, managing the financial books of the PCWD presenting to the Treasurer of the Board of Commissioners financial reports, bills and obligations of the PCWD for subsequent presentation to the full Board of Commissioners. The Board of Commissioners shall issue checks in payment of PCWD obligations, returning same to the Office Manager who will then insure delivery of the check to the vendor or other payee. The Office Manager shall receive the mail, maintain the office hours, answer the phone and any other duties normally associated with the function of an Office Manager or as assigned by the Board of Commissioners. The Office Manager serves at the pleasure of and reports to the Board of Commissioners. Day to day supervision of the Office Manager is performed by Chairperson of the Board of Commissioners or such other person as the Chairperson shall appoint.

The second position is that of Water Manager. The Water Manager shall be responsible for operation of the water plant, repair and maintenance of the plant equipment and distribution lines. Duties of the Water Manager include take daily readings for State reports, perform chlorine and turbidity testing as required, perform necessary inspection and maintenance of wet well, sediment pond, filters, pumps, storage tanks, and other PCWD facilities, read meters, perform installation activities or shutoff activities and other procedures that from time to time become necessary. The Water Manager serves at the pleasure of and reports to the Board of Commissioners. Day to day supervision of the Water Manager is performed by Chairperson of the Board of Commissioners or such other person as the Chairperson shall appoint. The Water Manager shall hold and maintain the proper credentials as a Certified Water Operator, level WD1 or better. Said Certification must be obtained by the Water Manager within one year of his/her employment plus any additional months required to obtain scheduled testing. Costs for obtaining said Certification including reasonable tuition and lodging expenses and fees for testing shall at the request of the employee be paid by the PCWD with the understanding that in the event the employee terminates his employment within 6 months of such payment the PCWD shall be reimbursed. During the time when the Water Manager is awaiting Certification, the Board of Commissioners shall appoint another person to act on the behalf of the PCWD in relation to required State and Federal reporting requirements. The Water Manager is responsible for prompt compliance with any and all testing and reporting functions to satisfy State and Federal requirements applying to the water provided by the PCWD.

The third position is the Weekend Water Operator. The Weekend Water Operator shall be responsible for operation of the water plant, repair and maintenance of the plant equipment and distribution lines. Duties of the Weekend Water Operator include take daily readings for State reports, perform chlorine and turbidity testing as required, perform necessary inspection and maintenance of wet well, sediment pond, filters, pumps, storage tanks, and other PCWD facilities, read meters, perform installation activities or shutoff activities and other procedures that from time to time become necessary on Saturday and Sunday of each week or during periods of absence or vacation of the Water Manager. The Weekend Water Operator serves at the pleasure of and reports to the Board of Commissioners. Day to day supervision of the Water Manager is performed by Chairperson of the Board of Commissioners or such other person as the Chairperson shall appoint.

The Board of Commissioners may at its discretion elect to divide the duties described above as relating to the Office Manager and/or the Water Manager between other employees, contract personnel, or other parties to better achieve the objective of the positions. For instance, the Board of Commissioners may elect to sub-contract the official requirement of a Certified Water Operator with WD1 credentials to an outside service or person, and/or retain water maintenance employee(s) to perform day-to-day routine maintenance activities.

IV. RATES, RULES & REGULATIONS:

The Board of Commissioners shall adopt Rates, Rules & Regulations to be used in the day to day operation of the PCWD. A copy of said Rates, Rules & Regulations shall be made available to each property owner using the services of the PCWD, or any resident or other interested party when requested. The Rates, Rules & Regulations can be modified from time to time as circumstances deem appropriate by a majority vote of the Board of Commissioners, however no such modification to the Rates, Rules & Regulations may be enacted in conflict with the governing By-Laws of the PCWD. The Rates, Rules & Regulations shall include but not be limited to the following items:

1. Water system fees and water usage (meter) charges.
2. Lines for connection and connection charges.
3. Use of water.
4. Installation of water lines, meters, and maintenance.
5. Application process required for water service.
6. Billing, late notice, final notice, cutoff and restoration policies.
7. A provision whereby if conditions exist that in the opinion of the Board of Commissioners constitute a health hazard to the Panther Creek Water District's distribution system, the board may demand remedy to the condition or will revoke service to the residence.

8. Other issues that may occur from time to time which in the opinion of the Board of Commissioners may effect the safety of the personnel of the district or may present a hazard to the citizens of the Panther Creek Water District.

V. CHANGES AND AMENDMENTS.

The By-Laws of the PCWD can be changed or amended upon discussion of the proposed change in a regular scheduled meeting of the Board of Commissioners and subsequent majority vote at the next regular scheduled meeting of the Board of Commissioners. The Rates, Rules & Regulations of the PCWD can be changed upon majority vote at any regular scheduled meeting of the Board of Commissioners.

Where the By-Laws of the PCWD or the Rates, Rules & Regulations of the PCWD shall be found to be in conflict with any existing State of Oregon or Federal Government law, the By-Laws of the PCWD or the Rates, Rules & Regulations of the PCWD shall be deemed as having been changed to gain compliance with the aforementioned State of Oregon or Federal Government law at the moment such conflict became apparent.

VI. ADOPTION AND RATIFICATION.

These By-Laws of the PCWD and the attached Rates, Rules & Regulations of the PCWD hereby expressly supersede and replace any and all existing By-Laws, if any, and any and all existing Rates, Rules & Regulations of the PCWD.

THEREFORE:

BE IT KNOWN AND ENACTED THAT ON MARCH 6TH, 1995 AT A REGULAR SCHEDULED MEETING OF THE PANTHER CREEK WATER DISTRICT BOARD OF COMMISSIONERS ATTENDED BY A MAJORITY OF THE THEN SITTING COMMISSION MEMBERS THESE BY-LAWS WERE HEREBY ADOPTED AND PLACED INTO EFFECT.

FURTHER BE IT KNOWN AND ENACTED THAT ON OCTOBER 13TH, 1997 AT A REGULAR SCHEDULED MEETING OF THE PANTHER CREEK WATER DISTRICT BOARD OF COMMISSION ATTENDED BY A MAJORITY OF THE THEN SITTING COMMISSION MEMBERS THESE BY-LAWS WITH ANY AND ALL MODIFICATIONS WHICH MAY HAVE OCCURRED SUBSEQUENT TO THEIR ORIGINAL ENACTMENT HAVE BEEN RE-ADOPTED AND PLACED INTO EFFECT.

FURTHER BE IT KNOWN AND ENACTED THAT ON SEPTEMBER 14TH, 2010 AT A REGULAR SCHEDULED MEETING OF THE PANTHER CREEK WATER DISTRICT BOARD OF COMMISSION ATTENDED BY A MAJORITY OF THE THEN SITTING COMMISSION MEMBERS THESE BY-LAWS WITH ANY AND ALL MODIFICATIONS WHICH MAY HAVE OCCURRED SUBSEQUENT TO THEIR ORIGINAL ENACTMENT HAVE BEEN RE-ADOPTED AND PLACED INTO EFFECT.

Voting AYE:

Voting NAY:

W.J. (Bill) LeRoy, Chairperson

Linda Holt, Commissioner

Cheryl Neis, Commissioner

Sandy Gibson, Commissioner

Richard Deemy, Commissioner

PANTHER CREEK WATER DISTRICT

RATES, RULES & REGULATIONS

The Board of Commissioners of the Panther Creek Water District has at their regular scheduled meeting on May 13th, 2020 adopted these Rates, Rules & Regulations, which replace the Rates, Rules & Regulations previously in effect as amended over time. The property of the Panther Creek Water District belongs to the people of the Panther Creek community and the Board of Commissioners is responsible for managing this public trust. The board appreciates the efforts of all the residents of Panther Creek in adhering to these policies, prompt payment of amounts owed for water service, and for careful use of the water supplied by the Panther Creek Water District.

1. Water Service Charges.

a. The owner of property receiving the water service is responsible for payment of all water system fees, meter charges and any other charges as specified in the schedule of rates and charges currently in effect. Such rates and charges are included in the Rates, Rules & Regulations by reference as TABLE 1.

Panther Creek Water District also provides water to the residents of the Salmon River Park Community. At this time the Salmon River Park community is not within the physical boundaries of the Panther Creek Water District for property tax purposes. Refer to TABLE 1 for details concerning the differences in rates for the Panther Creek community and the Salmon River Park Community which exist to establish parity between all customers of Panther Creek Water District.

b. All charges are due and payable on the due date specified on the water billing. Amounts not paid on or before the due date specified on the water billing are deemed delinquent, and a late payment fee may be charged.

c. Rates for water service are determined from time-to-time by the Board of Commissioners and are based on the costs of those services to the community.

d. Prior to terminating water services to a person with a disability, even if that person is not the owner or landlord of the property in question and the District has not dealt with the person directly for payment previously, Panther Creek Water District shall offer notice and a reasonable opportunity for payment of delinquent charges, including offering payment plans.

2. Lines for Connection and Connection Charges.

a. No person shall uncover, make any connections with, use, alter or disturb any District water system or appurtenances thereto and no person, firm or corporation shall make any connections in any part of the water system without first making an application to the District and securing a permit for such connection.

b. Prior to receiving a permit to connect to the District's water system, the applicant shall first pay the connection fees as established in TABLE I.

3. Use of Water.

a. There shall be a separate supply line and meter to each parcel of property for use and connection to not more that one (1) domestic residence.

b. No person shall supply water to any other property or structures or for any other purposes, other than as specified in their application and permit.

c. In the event a parcel of property which has a single connection to the water system is divided by sale or other conveyance, the owner of the property or premises which have been separated must complete an application for service and submit it to the District including the fees for new service as specified in TABLE 1.

d. Users of the District's water system shall install necessary safeguards to protect any and all of their equipment, appliances and other items from damage in the event of temporary termination of water service, whether or not terminated with prior notice. Further, should the District determine a potential backflow hazard exists from a user's property due to (but not limited to) such equipment as swimming pools, swamp coolers, hot tubs, or other similar devices, the property owner shall be required to obtain, install, and provide for inspection of, a State of Oregon approved backflow prevention device.

4. Installation of Water Lines and Maintenance.

a. Upon issuing a connection permit, the District will install the necessary water lines and meters to the applicant's property line. However, the District shall not have the obligation to have any water line constructed to a property line if it is not located adjacent to a street containing a water main.

b. The applicant is responsible for the installation and cost of the water line from the meter to the premises. However, all plumbing in connection with the use of water shall conform to local and state codes.

c. The service main, lines, and connections up to and including the water meter and meter box shall be the property of the District. Any damage caused by unauthorized persons will be repaired by the District and charges will be billed to the property owner, person or organization responsible. The property owner grants full access to the premises as required to inspect or repair the District's equipment and lines.

5. Application Procedures and Obligations of Property Owner.

a. Prior to providing water service, the District shall require the property owner to file an application for water service setting forth the applicant's name, address and other information required by the District. At such time as there is a change of ownership of the property, the new property owner shall apply for water service and provide the same information as required for original service to the premises.

b. The owner of the premises or property to which the water is provided is obligated to pay all of the monthly water service charges for water used on the premises and any and all other charges which become due pursuant to these Rates, Rules & Regulations, whether supplied to the owner, applicant, tenant, or other occupant thereof.

c. To insure the District can contact residents during emergency situations, all property owners are responsible for insuring the District has the correct names and telephone number of the current occupants of the premises to which the water service is provided. Failure to notify the District of a change in occupancy is considered a violation of these Rates, Rules & Regulations and is subject to penalties.

d. Any person who tenders a check which is returned to the District for any reason is indebted to the District for an additional returned check fee as provided in TABLE I.

e. It is the responsibility of the property owner to maintain the lines and equipment from the meter box in good repair at all times.

f. Although monthly billings must by rule be delivered to the property owner, the water district will provide billing amounts to tenants upon request.

6. Termination of Water Service.

a. The District may terminate water service to any property or structure in the event the charges due from those premises for water service become delinquent as described in paragraph "b", item 1 of the Rates, Rules & Regulations and remain delinquent for an extended period of time. At least ten (10) days prior to terminating water service, the District shall post written notice of its intent to do so in plain view on the premises, which notice shall advise the occupants of the premises of the reason for the intended action. If the violation is not cured within ten (10) days of the notice the water service to the property shall be terminated.

b. The District may determine a property is using an excessive amount of water due to a leak or other customer activities. Such properties when identified will be posted with a special notice citing such overuse and requiring the property owner make repairs to correct the condition and requiring the property owner to respond to the Panther Creek Water District within five (5) days of such notification certifying completion of said repairs. Failure to make required repairs may result in termination of the water service to the property.

c. With the understanding that the complete lack of water may aggravate the conditions of persons with disabilities, prior to terminating water services, Panther Creek shall offer upon request an additional reasonable amount of time for a tenant to cure the delinquent payment. In determining what constitutes a reasonable amount of time for individuals who live in rental property where the delinquency may be the result of a landlord's failure to make payment, consideration will be given to the amount of time it may take an individual with a disability or a family that includes an individual with a disability the time to locate and move to alternative housing (e.g., accessible housing for someone who uses a wheelchair, housing in a particular location for people who cannot drive because of a disability).

The Panther Creek Water district must be notified prior to termination of water services of the existence of a disability that would require special considerations to be given. That notification may be given by the property owner, tenant or other such responsible person, and should include some verifiable documentation to support the claim.

7. Revocation of Water Agreement.

A Water Agreement between the property owner and the Panther Creek Water District may be revoked in the event of continued violation of these Rates, Rules & Regulations. Violations include, but are not limited to, continued failure to pay water billings, failure to protect Water District properties with required backflow devices, failure to grant access to Water District property or equipment for the purpose of reading meters terminating service or making necessary repairs, willful damage to water district equipment to avoid shut off of services, failure to maintain the property where water district meters and distribution lines are installed in a reasonable sanitary condition, or acquiring water from unauthorized sources following a shut off, whether such violation is caused by the owner of the property or by any occupant therein.

In the event of such revocation, the property owner shall be notified of the pending action by the Board of Commissioners and a period of fifteen (15) days shall be allowed for the property owner to request a hearing before the Board of Commissioners before the revocation becomes effective. In addition to the property owner, a lawful tenant may request to attend or attend a hearing to maintain the ability to receive water.

Water District equipment will be removed from the property following a revocation action and future rights to water under the revoked agreement shall be denied.

8. Amendments.

The Panther Creek Water District reserves the right to amend or add to these Rates, Rules & Regulations.

9. Effective Date.

The effective date of these Rates, Rules & Regulations is July 9, 2019 on which date any and all other existing Rates, Rules & Regulations of the Panther Creek Water District are superseded and replaced.

TABLE I.

1. The water system fee for Panther Creek customers shall be \$15.00 per month payable in advance plus \$0.008 for each gallon used in the previous billing period. Partial bills shall be calculated at \$15.00 per month or any portion of a month plus \$0.008 for each gallon used.

For Salmon River Park customers, the system fee shall be \$27.00 per month payable in advance plus \$.008 for each gallon of water used in the previous billing period. Partial bills shall be calculated at \$27.00 per month or any portion of a month plus \$.008 for each gallon of water used.

2. A fee of \$7.50 may be assessed at the discretion of the water district for various reasons including but not limited to: Late payment of water bills. Estimating bills or overcoming hazards at a particular meter location. Extra receipts for water payments, extra meter readings requested by the customer, or special handling of water bills. Other situations requiring out of normal service by the water district not elsewhere referenced in this table.

3. The fee for a returned check is \$35.00

4. A fee of \$25.00 may be assessed for each visit by District personnel to a customer site required because of failure of the Customer to pay charges when due or other violations of the Rates, Rules and Regulations including but not limited to:

- a. Posting of disconnection notices
- b. Physically locking off the water service.
- c. Unable to access water district meter due to car or other obstruction or impediment.

5. The fee for transfer of ownership is \$25.00 for both the parties to the property transfer. The fees will be waived when it is not necessary to take final meter readings and submit final bills to previous owner.

6. The fee for initial water service or for water service following removal by revocation of water rights is \$3,600.00. A new property owner of a previously served property may appeal to the Board of Commissioners for a reduced installation fee of 50%, or \$1,800.00 plus a re-installation charge of \$300.00. The re-installation charge may be waived at the discretion of the manager of the district.

A prospective customer who wishes to be considered for the reduced installation fees should contact the manager of the district for instructions.

7. The fee for unauthorized turn on of water following service disconnection is \$300.00.

8. The fee for noncompliance with any other requirement specified in the Rates, Rules & Regulations is \$25.00 when such noncompliance continues for 10 days or more after written notice of such noncompliance is given. An additional fee of \$25.00 shall occur on each successive billing cycle so long as the noncompliance shall continue.