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TECHNICAL SERVICES  
DRINKING WATER PROGRAM

AMENDED BY-LAWS  
OF

CIRCLE "C" IMPROVEMENT DISTRICT, INC.

00861

September 8, 1997

**ARTICLE 1 - NAME, JURISDICTION, MEMBERSHIP AND ORGANIZATION:**

**Section 1.** This organization shall be known as the Circle "C" Improvement District Incorporated. Referred to herein as Circle "C" Water District.

**Section 2.** Jurisdiction shall be all properties as set forth in the Articles of Incorporation on Circle "C" Acres.

**Note:** Articles 3 and 4 of Amended Articles of Incorporation.

**Section 3.** All owners of land within this jurisdiction of Circle "C" Acres are members of the Corporation. Each owner shall have a voice and one (1) vote in its business. (Joint ownership constitutes one vote.)

**Section 4.** Each member shall purchase his water from the Corporation at rates to be set by the Board of Directors, and presented to the membership, at such rates that shall not exceed the cost of service, materials, operation, and depreciation.

**ARTICLE II - MEMBERSHIP MEETINGS:**

**Section 1.** Regular meetings of the membership of the Water District shall be held on the 1st Wednesday in February.

**Section 2.** Special meetings may be called only by the President, any two members of the Board of Directors, or one-third (1/3) of the members of the Water District.

**Section 3.** The Secretary shall notify the members in writing ten (10) days in advance of any Regular or Special Meeting. The notice of a special meeting shall include the business to be transacted.

**Section 4.** No business other than that for which the Special Meeting was called shall be transacted.

**Section 5.** A quorum shall consist of the voting members in attendance.

**Section 6.** Following the annual meeting the Secretary shall, within 30 days, mail copies of the minutes and annual financial report to all members.

**ARTICLE III - OFFICERS, DUTIES, ELECTIONS:**

**Section 1.** The Board of Directors shall consist of the President, Vice-President, Secretary-Treasurer, and three elected members.

**Section 2.** The duty of the President shall be to Chair all meetings, appointed committees, conduct the business of the Water District, report to the members, report to the Board of Directors.

**Section 3.** The duty of the Vice-President shall be to stay informed as to the business of the Water District, and to perform the duties of the President when necessary. To supervise the maintenance of the Water District water system.

**Section 4.** The duties of the Secretary-Treasurer shall be:

The Secretary shall record minutes of all meetings, notify members of Special Meetings, act on all correspondence.

The Treasurer shall keep accurate records, present to the officers all invoices to be approved for payment. All checks shall require signatures of the President and the Secretary-Treasurer. Present annual financial statements at Stated Membership Meeting.

The Secretary-Treasurer shall have a voice, but no vote at Board of Directors meetings.

**Section 5.** The duties of the elected Board of Directors shall be to see that the business of the Water District is equal and fair to all members, rule on delinquent water bills, meet and discuss water rates, approve bills and expenditures.

The Board of Directors shall meet on the 2nd Wednesday in January and within 14 days following the annual membership meeting and at such times as the President or two board members deem appropriate.

**Section 6.** The President, Vice-President, Secretary-Treasurer and one Board member shall be nominated and elected, annually at the first Regular Meeting (February). The Board members shall be elected for a three (3) year term. (See Articles of Incorporation Article 6 PP.2).

No member shall be a candidate for more than one office. If nominated for more than one office, he shall immediately declare which office he will be a candidate for.

An absent member may be nominated if they will have presented at the meeting, a signed letter of intent.

No two (2) members of any household shall hold office at the same time.

**Section 7.** An officer and Board Member shall be deemed inactive if they miss two (2) consecutive meetings. An officer or Board Member may be deemed inactive by a majority vote

of the remaining Board Members.

If any Officer or Board Member becomes inactive, they shall be replaced. The remaining members of the Board shall meet and appoint a replacement to serve until the next Regular Election.

The members of the Water District shall have recall rights by petition action with two-thirds (2/3) majority of signatures.

#### **ARTICLE IV - COMPENSATION AND EXPENDITURES:**

**Section 1.** The President and the Secretary-Treasurer shall be compensated for their time by reimbursement of their water fees.

**Section 2.** A Maintenance person may be selected from the membership and reimbursed for water fees. The Maintenance person shall be reimbursed for actual Water District expenses, plus an allowance for auto expenses to be set by the Board of Directors.

**Section 3.** Members having expenses while on Water District business may be reimbursed by the Board of Directors.

#### **ARTICLE V - GENERAL RULES AND REGULATIONS:**

**Section 1.** Water fees are due and payable by the fifth (5th) of each month.

**Section 2.** Any water user whose water bill is more than 30 days overdue shall be mailed a statement stating that his/her water bill is 30 days overdue. If the water bill is not paid, or arrangements satisfactory to the Board of Directors made for its payment, within 30 days after the first notice, a second notice shall be sent to the said water user. If the water bill is not paid, or arrangements satisfactory to the Board of Directors made for its payment, within 30 days of the second notice, a third notice shall be sent to the delinquent user by certified mail, return receipt requested, and by first class mail. The third notice shall state that if the delinquent water bill is not paid in full within 10 days from the date of the third notice that the user's water will be cut off. If the bill is not paid, or arrangements satisfactory to the Board of Directors made for its payment, within 10 days from the date of the third notice, the water will be shut off.

PROVIDED HOWEVER, if a delinquent water user makes arrangements for the payment of a delinquent water bill under the terms of this section and then does not perform the agreement made in the arrangements which were made, the process described in this paragraph shall take up where it left off when the arrangements were made except that if the arrangements were made after a third notice had been sent, then a new third notice shall be sent to the offending water user. Any third notice given for the second time under this subparagraph shall give the water user 10 days in which to pay the bill or the water will be shut off. If a water user has made arrangements to pay a delinquent bill after notice of said delinquency, and then has failed to perform the arrangements so made, no arrangements will be available to that user for one year from the date of making the first arrangements.

In the event the water is shut off under the provisions of this paragraph, the following conditions must be met before the water service will be restored:

1. The delinquent water bill, plus a deposit equal to 3 months' bill must be paid to the District treasurer. The deposit will be held by the District. If, at the end of one year, there are no further delinquencies on the bill, the deposit will be refunded. If at the end of the year, the deposit has been used to pay the bill which was not paid when due, the water user will maintain the deposit at a level which is equal to 3 months' water bill until a year has passed during which the bill was not delinquent.
2. A fee of \$50.00 for labor will be paid to the district treasurer.

**Section 3.** Anyone who is found to be using water without a restrictor, shall be disconnected immediately. A sixty (\$60.00) dollar reconnecting fee will be paid and a restrictor will be installed, before water service is restored.

**Section 4.** All persons who are not members, requesting water service from the District, shall pay the first and last months water fee in advance.

**Section 5.** A fee of One thousand Five Hundred dollars (\$1,500.00) will be charged for all future hook ups, which must be paid before the hook up can be made to the water system. No hook up can be made until the new home, property and property owner all meet all of the rules and regulations of the Circle C Homeowner's Association.

**Section 6.** The District will furnish water and restrictors to the Property Line.

**Section 7.** Owners will be required to open all ditches to the depth of the water main.

**Section 8.** The District is not responsible for water lines past the point of the restrictor.

- a. Maintenance of the feeder lines is the responsibility of all members.

**Section 9.** A ten (10) gallon restrictor will be furnished each lot that has a permanent dwelling. A five (5) gallon restrictors will be furnished each lot that does not have a permanent dwelling. Provided, however, the District does not warrant that a member will be able to receive 10 gallons per minute at a hook up.

- a. A lot is a parcel of land as described in the original accepted Plans of Circle "C" Acres and North "C" Acres Subdivisions.

**Section 10.** Divided lots shall receive water at the same ratio.

Example: ½ lot with permanent dwelling - five (5) gallon, 2 ½ gallon without dwelling.

Exception: Restrictors to homes on divided lots as of the approval of these By-Laws will not be changed.

**Section 11.** No open hose irrigation is permitted.

**Section 12.** Members shall repair water leaks as soon as possible, or water will be turned off.

\* **Section 13.** Members with wells shall not be allowed to connect the well to the Water District system in any manner.

RE: State Board of Health directive.

**Section 14.** Duties of Maintenance person.

1. Maintain pumps.
2. Make new connections.
3. Is **not** responsible to dig lines beyond restrictor.

**Section 15.** The books of the District shall be reviewed annually by a professional bookkeeper or tax consultant selected by the board of directors. The report of this review shall be made available to the members present at the annual meeting of the members.

**Section 16.** Any property with frontage on Kelsey Lane must have installed at least a 1,500 gallon cistern with electronically activated valves and switches to control the minimum and maximum height of water in the cistern, and times to allow water into the cistern between the hours of 12:01 a.m. and 5:00 a.m. and the hours of 10 a.m. and 3 p.m. before it obtains a new water hook up.

**Section 17.** Upon completion of the installation of all new water boxes, restrictors, on/off valves, and double check valves, Circle C Improvement District will annually have all of the double check valves checked at its cost, by a licensed cross connection person. Any work done on any of the main lines will be done by a licensed cross connection person.

#### **ARTICLE VI - AMENDMENTS:**

**Section 1.** The By-Laws become effective upon approval of the Membership.

**Section 2.** The By-Laws may be amended or changed by any such proposal being submitted in the following manners.

- a. A proposal can be made and seconded at any Regular Meeting.
- b. The President shall then call a Special Meeting of the Membership to discuss the proposed change(s).

- c. The President shall then set a date (not to exceed ten (10) calendar days) and place within the Water District, where the Membership can vote on the proposed By-Law changes.
- d. This can be a secret ballot if so desired by the Membership.
- e. Step "A" can be eliminated, if a Special Meeting is called to change the By-Laws.

**Section 3.** Necessary majority of Property Owners shall consist of fifty-one (51) percent, either in person or by a Proxy Vote, dated, signed and presented to the Secretary prior to voting date.

I, the duly elected secretary of the Circle C Water Improvement District, do declare that the above are the by-laws of the Circle C Water District, to and including the amendments thereto made at the annual meeting of the membership held the second Wednesday of September, 1997 and voted upon by mail ballots.



Secretary