

**BY-LAWS  
OF  
THREE MILE WATER DISTRICT**

The following By-Laws are hereby promulgated and adopted in accordance with, and pursuant to, Idaho Code Section 42-3212 and the statutes of the State of Idaho:

1. DECLARATION OF PURPOSE.

It is hereby declared that it will serve a public use and will promote the health, safety, prosperity, security and general welfare of the public and the inhabitants of the Three Mile Water District (the "District"), for adequate provision to be made for governing and regulating the use of the District water system (the "system"). To do so, these By-Laws include provisions for controlling the use and connection to the system, and for an equitable distribution of the costs and expenses of the maintenance, operation, upkeep and repair of the system through appropriate regulation, fees and charges. It is the intent of the District that the longevity of the system be maintained, and that its maintenance expenses be kept to a minimum, as both of these goals will be beneficial to the inhabitants of the District.

2. DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of the following terms used in these By-Laws shall be stated below:

A. "Application for water service" means a written application on a form to be provided by the District, which form shall be submitted by the prospective user to the Board of Directors of the District prior to the paying of any fees or charges and/or connecting to the water system. This form shall also be used by present users expanding their usage of the District's system beyond that shown in the District's records at the time of the adoption of these By-Laws.

B. "Board of Directors" means the five duly-elected governing members of the board.

C. "Buildings" means all dwellings, commercial structures, and other structures located within the District.

D. "Business and commercial properties" means all real property upon which there are lavatory, toilet or sewer facilities available to the public or a portion of the public who may, from time to time, be present upon a user's real property for business or commercial purposes.

E. "District" means the Three Mile Water District.

F. "District water system" means all facilities through which water is pumped, transmitted, or treated, including water mains, pump stations, treatment facilities, storage facilities, chlorination system, transmission system, collectively or severally, actually used or intended for use for the purpose of collecting and transmitting water.

G. "District user" or "user" means any district member who has entered into a water service agreement with the District, or who receives water service from, or is connected to the water system of, the District.

H. "Dwelling" means a residence, house, abode, trailer or other place in which to live.

I. "Maintenance person" means a person hired by the Board of Directors to maintain and operate the water system and perform such other duties as may be required at the direction of the Board.

J. "Multiple dwellings" and "multiple units" means all real property on which there is more than one single-family housing unit or dwelling which shall include, but not be limited to, condominiums, trailer stalls or pads, motels, hotels, and all other real property upon which there is more than a single-family residential type structure.

K. "Public buildings" means all buildings upon real property owned or operated by municipal corporations or governmental agencies, charitable non-profit organizations, or, fraternal non-profit organizations, including, but not limited to campgrounds, schools, buildings, grange halls, fire stations, city halls, police stations, churches and forest service buildings.

L. "Private water system" shall be construed to mean the water line and transmission system constructed, installed or maintained where a connection with the District water system is not required.

M. "Property owner" means any person or entity owning real property within the boundaries of the District.

N. "Rental cabin" means any dwelling or dwellings that is rented during a given calendar year by an enterprise or by a private individual in the business of renting cabins.

O. "Service line" means a water line connecting a building to the District's water system.

P. "Water" means potable water suitable for human consumption.

Q. "Water Main Extension Agreement" means a written agreement entered into by the District and a person or entity providing for an extension of the District water system.

R. "Water service charge" means a monthly charge to be paid by the users of the District water.

S. "Service" means any water line (pipe) intended for the conveyance of water by the user.

T. "Shall" means mandatory, whereas "may" means permissive.

3. APPLICABILITY OF BY-LAWS.

The provisions of these By-Laws shall apply to all property within the District's boundaries, including all property owned or occupied by the United States of America, the State of Idaho, or Boundary county.

4. REPEAL OF INCONSISTENT PRIOR RESOLUTIONS AND/OR OTHER DISTRICT DOCUMENTS.

These By-Laws shall repeal all prior resolutions and/or other documents inconsistent herewith, including, but not limited to, Resolution No. 201 of the District adopted December 10, 1987.

5. INJURY TO WATER SYSTEM UNLAWFUL.

No person, or agent, employee or contractor of any entity, shall maliciously, willfully or negligently cause or allow any breaking, damage, destruction, uncovering, defacing or tampering with any pipeline, meter vault fitting, connection, appurtenance, pump, component part, building, machinery, equipment, fixture, appliance, official notice, sign, earth work, or any other part of the District's water system. Any person or entity violating this provision shall be liable for all damages resulting therefrom.

6. RATES, TOLLS, FEES AND OTHER CHARGES.

The Board of Directors shall by resolution duly adopt, fix and provide for the amount and collection of, and from time to time the increase or decrease, in such rates, tolls, fees or charges for water service and other attendant services furnished by the District as may be necessary.

7. APPLICATION FOR WATER SERVICE.

Any property owner desiring to connect a service to the District's water system, and any present user who desires to expand usage beyond that in effect as of the date of the adoption of these By-Laws, shall obtain from the District, and complete and submit an "Application for Water Service" to the Board of Directors. This form shall be submitted by a prospective new user prior to connecting to the District's water system, and by a present user prior to increasing usage of the system. Upon receipt of such an Application, the Board of Directors shall determine whether the form is complete, and whether the water capacity necessary to serve the applicant is available. In the event the capacity required by the applicant is available, the Board of Directors shall determine the applicable fees and charges, complete its portion of the form, and return a copy of the completed form to the applicant. In the event the capacity required by the applicant is not available, the Board of Directors shall return the Application with an appropriate indication, and the determination of the Board of Directors shall be final and conclusive.

8. CONNECTING TO DISTRICT WATER SYSTEM.

All connections to the District's water system shall be in accordance with the following:

A. No person or entity in the District shall connect a service to the District's water system prior to receiving an approved "Application for Water Service" from the Board of Directors and having paid required fees.

B. When connecting to the District's water system, District users shall use water pipe and fittings conforming to the District rules and regulations, or better, as a minimum requirement.

C. In the event an extension of the District's line is required to serve an applicant for water service, a "Water Main Extension Agreement" shall be agreed upon by the applicant and the District prior to the commencement of any work. The Water Main Extension Agreement shall establish criteria for construction of the extension and shall establish and provide for the costs in connection therewith being paid for by the applicant. Failure to make any payment required pursuant to the terms and provisions of the Water Main Extension Agreement or these By-Laws shall constitute grounds and cause for the District to void such Agreement.

9. WATER SERVICE CHARGES.

Water service charges for new applicants, and for the present users increasing their usage of the system, shall be as provided on a rate schedule to be established by resolution duly adopted by the Board of Directors, subject to amendment from time to time as, in the opinion of the Board of Directors, may be necessary. All water service charges shall be due and payable as provided by a resolution, and shall be considered delinquent if not paid on or before the next billing date at which the bill becomes due. All monies due and owing said District shall be paid in lawful currency of the United States of America. Delinquent notices may be mailed at the discretion of the Board.

10. ACTIVITIES RELATING TO THE DISTRICT WATER SYSTEM.

It shall be unauthorized for any person or entity to allow or cause any of the following activities relating to the District's water system:

A. Cross-connection with any private water supply, water system or well, unless any such cross-connection is fitted with a back-flow prevention device approved as to type, installation and maintenance by the District.

B. Any tapping into, or use of, the District's water system without full and complete compliance with these By-Laws, and the District's rules and regulations. In the event of an unauthorized tap into the District's water system, the person or entity responsible shall pay three (3) times the cost of the existing District connection fee, plus monthly user fees retroactively from the date of such unauthorized tap as nearly as can be determined by the District. Additionally, the person or entity responsible for the unauthorized tap shall make proper application for a water service connection, and pay the then-existing water service connection fee, new user facility fee, and any monthly user fees thereafter.

11. BOARD OF DIRECTORS AND OFFICERS.

A. Board of Directors. The Board of Directors shall consist of five (5) persons duly elected by the qualified electors of the District. The Board shall choose one of its members to be Chairman of the Board of Directors and President of the District, and another member to be Vice-Chairman of the Board of Directors and Vice-President of the District. The Board shall also choose a secretary and treasurer of the Board and for the District, who may or may not be members of the Board. The secretary and treasurer may be one person. The Board shall choose persons from the qualified electors of the District to fill vacancies occurring between elections, such appointees to act until the next biennial election when the vacancies shall be filled by election. Three members of the Board of Directors shall constitute a quorum of any board meeting.

B. Duties of Officers.

(1) President and Chairman of the Board of Directors: The president shall be the chief executive officer of the District. The president shall preside at all meetings of the directors; shall carry out all orders and resolutions of the Board of Directors; shall have the general charge and responsibility for the conduct of the District's business usually vested in the office of president of a corporation, subject to the authority of the Board of Directors; shall direct and supervise all other officers of the District; may enter into and execute contracts or other instruments in the normal course of business; shall be an ex-officio member of all standing committees; and, shall prepare and present an annual report to the Board of Directors at an appropriate regular monthly meeting of the District.

(2) Vice-President and Vice-Chairman of the Board of Directors: The vice-president shall perform the duties and exercise the powers of the president in the absence or disability of the president, and shall perform any other duties as prescribed by the Board of Directors.

(3) Secretary: The secretary shall attend all meetings of the Board of Directors and shall record, or cause to be recorded, the minutes, or proceedings, of such meetings. The minutes shall be kept as part of the permanent records of the District. It shall be the duty of the secretary to give, or cause to be given, all notices of meetings as prescribed by these By-Laws. The secretary shall be the custodian of the corporate seal, and shall perform such other duties as may be requested by the Board of Directors.

(4) Treasurer: The treasurer shall have custody of the funds of the District, and shall keep complete and accurate records and books which shall document the receipts and disbursements of the District's funds. All funds shall be kept in such depositories as prescribed by the Board of Directors. The treasurer shall render to the president and/or the Board of Directors, whenever required, a complete accounting of all activities as treasurer and documents showing the financial condition of the District.

(5) Delegation of Duties: In the absence of, or because of the inability to perform the duties, of any officer of the District, or for any other justifiable reason, the Board of Directors, by majority vote, may delegate the powers and duties of an officer to any other officer or director from time to time.

12. RESPONSIBILITIES OF THE BOARD OF DIRECTORS.

The Board of Directors shall be responsible for:

- A. Fixing and increasing or decreasing, as necessary, as well as collecting, such rates, tolls, fees or other charges for water use and services furnished by the District as may be necessary to carry out the District's responsibilities as provided by these By-Laws.
- B. Operating, maintaining, repairing and replacing the District's water system.
- C. Meeting once a month, assuring that annual audits are made of the District's financial affairs, adopting an annual budget, and conducting biennial elections, all in accordance with the requirements of Title 42, Chapter 32, Idaho Code.
- D. Maintaining detailed financial records.
- E. Maintaining correspondence files.
- F. Carrying out the powers authorized by Idaho Code section 42-3212.

13. DISTRICT EMPLOYEES.

The Board of Directors shall employ such persons as may be necessary for the District to carry out its responsibilities. These persons may include, but are not limited to:

- A. **Maintenance Manager:** This person shall be responsible for the day-to-day operation and maintenance of the District's water system. This person shall take direction from the Chairman of the Board of Directors. The Maintenance Manager shall attend regular monthly meetings as necessary to keep the Board advised of the condition of the water system and to bring any serious or potentially serious problems to the attention of the Board.
- B. **Secretary:** This person shall be responsible for performing clerical work and for maintaining the District's financial records, except for the annual audit. The secretary shall take direction from the Board of Directors.
- C. **Professionals:** The Board of Directors shall also retain the services of an attorney for legal counsel, may retain the services of a qualified engineer for engineering advice and services when necessary, and shall employ a qualified accountant to perform the annual audit required by law.
- D. **Agents:** The Board of Directors may also, from time to time, employ such other agents as may be necessary to carry out its lawful functions.

14. DEFAULT IN PAYMENTS, LIEN IMPOSED.

Upon failure of any property owner to pay the rates, tolls, fees and charges owed to the District within the time prescribed by resolution, the same shall be considered delinquent and the Board of Directors shall certify all such delinquent rates, tolls, fees and charges to Boundary county as provided by law. When so certified, such delinquent rates, tolls, charges and fees shall become alien upon and against the property served or premises against which the same are levied or assessed, and shall be collectible as other taxes in accordance with and as provided by law.

15. DEFAULT IN PAYMENTS, DISCONTINUANCE OF SERVICE.

In addition to the provisions of the immediately- preceding paragraph, the Board of Directors may shut off or disconnect service for delinquencies in the payment of such rates, fees, tolls or charges, or in the payment of taxes levied pursuant to law, in the following manner:

A. By sending to the District user by certified mail, return receipt requested, at the District user's last known address, a written notice of delinquency, containing the amount of dollars of the delinquency and stating that, unless paid within 10 days, a written notice shall be posted on the property as described in subparagraph (B) below.

B. By posting, in a conspicuous place, upon the property charged with such delinquency, a second and subsequent notice containing the amount of dollars of the delinquency, and stating that, unless paid within 10 days, the service may be disconnected and discontinued.

C. Upon the expiration of the 10 days, the Board of Directors may cause to be removed all connections of the District's water system from the property charged, and shall add the costs associated with doing so to the charges, tolls and rates of the property owner.

D. The District user shall reimburse the District for all administrative and legal expenses incurred by the District in connection with any such delinquency or default.

16. CONNECTIONS AND CONTINUANCE OF SERVICE AFTER  
DELINQUENCY.

A. No connection, hook up, service or installations shall be allowed to any property for which payment owed to the District is delinquent and in default, as hereinabove provided, until all such delinquencies, charges, fees, tolls and rates have been paid in full and made current.

B. The Board of Directors may require a deposit in advance for the sum deemed advisable by it, prior to connection, hook up, service or installation, from any property owner whose property has been delinquent and upon whose property one or more notices provided in the immediately-preceding paragraph have been posted, whether water service has been disconnected or not.

17. ADMINISTRATIVE PROCEDURES OF THE BOARD OF DIRECTORS.

The District hereby adopts the following administrative procedures:

- A. The Board of Directors shall hold regular meetings as provided by these By-Laws. The regular meeting of the Board of Directors shall be held on the second Thursday of each month.
- B. Special meetings of the Board of Directors may be called at any time by the Chairman of the Board, or upon request of any member of the Board of Directors.
- C. Notice of a meeting of the Board of Directors shall comply with the Idaho Open Meeting Law, and may be given by notice mailed to each member of the Board of Directors to the address shown in the records of the District.
- D. The order of business at regular Board meetings, and insofar as possible at all other meetings, shall be:
1. Calling to order and confirmation of quorum.
  2. Reading of and action upon any unapproved minutes.
  3. Reports of officers and committees.
  4. Unfinished business.
  5. New business.
  6. Adjournment.
- E. Regular and special meetings of the Board shall be open to the public as provided by law.
- F. Each Board member shall be subject to the attendance requirements of attending at least eight (8) regular monthly meetings per calendar year, and shall not be absent for more than two (2) consecutive monthly or special meetings per calendar year. The failure of any member of the Board of Directors to fulfill these attendance requirements shall constitute cause for removal of that member by the Board of Directors.
- G. The business and meetings of the District shall be conducted according to the most current edition of Robert's Rules of Order.



18. DISTRICT SEAL.

The seal of the District shall have inscribed thereon "Three Mile Water District". The Secretary of the District shall have custody of the District's seal.

19. VIOLATIONS.

Violations of these By-Laws shall, at the discretion of the Board, be prosecuted civilly, by the initiation of appropriate enforcement of these By-Laws by the District's legal counsel, or, if deemed necessary, the commencement of an appropriate civil action in the District Court for Boundary County, Idaho. In the event the Board shall decide to prosecute any violation of these rules as a civil matter, the defendant in such action shall be required to pay, in addition to statutory costs, a reasonable attorney's fee.

20. PRINCIPAL OFFICE.

The principal office of the District shall be at 7193 Main Street, Bonners Ferry, Boundary County, Idaho. The Board of Directors shall have the power to change the location of the principal office at its sole discretion. The corporation may also maintain another location for a business office as the Board of Directors deems necessary to conduct the District's business.

21. EXECUTIVE COMMITTEES.

A. Number. The Board of Directors may designate an executive committee consisting of two (2) or more of the directors of the corporation. Such committee may be established by resolution of the majority of the entire Board of Directors.

B. Meeting and Powers. The executive committee shall meet at any time the members are given notice by any member. The committee may establish its own rules of procedure. The committee shall have all of the powers of the Board of Directors between the meetings of such Board except the committee may not amend the By-Laws or fill vacancies in their own membership. The committee shall keep complete minutes of its proceedings and shall report such proceedings to the Board of Directors.

22. SUPPLEMENTATION OF LAWS AND REGULATIONS.

These By-Laws, rules and procedures are intended to supplement, and not conflict with, the statutes of the State of Idaho, the ordinances and regulations of Boundary county, and/or the Panhandle Health District.

23. RULES AND REGULATIONS.

The Board of Directors, by a majority vote, may establish, amend and revise, from time to time as necessary, rules and regulations for the carryon of the business, objects and affairs of the District.

24. AMENDMENT.

These By-Laws, rules and procedures may be amended from time to time by a majority vote of the Board of Directors.

These By-Laws have been adopted and approved at a \_\_\_\_\_ meeting this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Chairman, Board of Directors

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

Date: \_\_\_\_\_