

**PROCEDURAL RULES & REGULATIONS
OF THE
BOARD OF TRUSTEES
OF THE
WAYNOKA REGIONAL WATER & SEWER DISTRICT**

INDEX

ARTICLE I - ORGANIZATION

- Section 1.1. Basis.**
- Section 1.2. Purpose.**
- Section 1.3. References.**

ARTICLE II - BOARD OF TRUSTEES

- Section 2.1. General Powers.**
- Section 2.2. Number of Trustees.**
- Section 2.3. Term of Office.**
- Section 2.4. Qualifications.**
- Section 2.5. Vacancies.**
- Section 2.6. Compensation.**
- Section 2.7. Adoption of Rules and Regulations.**
- Section 2.8. Nepotism.**
- Section 2.9. Service on Other Boards Restricted.**
- Section 2.10. Anti-“Kickback” Provision.**
- Section 2.11. Removal from Office of Board Member.**

ARTICLE III - COMMITTEES

- Section 3.1. Executive Committee.**
- Section 3.2. Nominating Committee.**
- Section 3.3. Other Committees.**
- Section 3.4. Term of Office.**
- Section 3.5. Chairperson.**
- Section 3.6. Vacancies.**
- Section 3.7. Quorum.**
- Section 3.8. Rules and Regulations.**
- Section 3.9. Assessment Equalization Board.**

ARTICLE IV - MEMBERSHIP IN THE DISTRICT

- Section 4.1. Class of Membership.**
- Section 4.2. Voting Rights.**
- Section 4.3. Membership Non-Transferable.**
- Section 4.4. Termination of Membership.**
- Section 4.5. Resignation of Membership.**
- Section 4.6. Reinstatement.**
- Section 4.7. Annual Meeting.**

ARTICLE V - VOTING

- Section 5.1. Voting.**
- Section 5.2. Inspectors of Election.**

INDEX Continued

Section 5.3. Quorum of Membership.

ARTICLE VI - FEES, DUES, & ASSESSMENTS

Section 6.1. General.

Section 6.2. Water.

Section 6.3. Sewer (Usage Fees).

Section 6.4. Assessments (Availability Fees).

Section 6.5. Billing and Payment Dates.

Section 6.6. Late Charges – Bad Check Charges.

Section 6.7. Unpaid Charges Owing to the District.

Section 6.8. Service Disconnect – Voluntary.

Section 6.9. Service Disconnect - Involuntary.

Section 6.10. Request for Review.

Section 6.11. Review Hearing.

Section 6.12. Appeal to the Board of Trustees of the District.

Section 6.13. Citations.

Section 6.14. Trespassing Fines.

Section 6.15. Water Purchased from an Outside Source.

ARTICLE VII - ADMINISTRATION

Section 7.1. Contracts.

Section 7.2. Checks and Drafts.

Section 7.3. Deposits.

Section 7.4. Gifts.

Section 7.5. Certificates of Membership.

Section 7.6. Books & Records.

Section 7.7. Fiscal Year.

Section 7.8. Seal.

Section 7.9. Waiver of Notice.

Section 7.10. Purchases.

Section 7.11. Insurance & Indemnification of Officers & Employees.

Section 7.12. Reimbursement.

Section 7.13. Fire Hydrants.

Section 7.14. Personnel Policies & Procedures.

Section 7.15. Amendments.

ARTICLE VIII - OPERATIONS

Section 8.1. Required Connections to the Sanitary Sewer System.

Section 8.2. Vacant Dwellings.

Section 8.3. Permanent Removal of Water and Sewer Services.

Section 8.4. Damage to District Property on Property Owner's Lot.

Section 8.5. New Home Construction.

Section 8.6. Grinder Pumps.

Section 8.7. Surface Water Infiltration into the Wastewater Treatment
Facility.

Section 8.8. Problem Resolution Process.

**PROCEDURAL RULES & REGULATIONS
OF THE
BOARD OF TRUSTEES
OF THE
WAYNOKA REGIONAL WATER & SEWER DISTRICT**

Article I

ORGANIZATION

Section 1.1. Basis. The Waynoka Regional Water & Sewer District, hereinafter called the "District", was created under the provisions of Chapter 6119 of the Ohio Revised Code (ORC) by action of the Court of Common Pleas of Brown County, Ohio. This action was signed by Common Pleas Judge William Stapleton on February 7, 1992.

Section 1.2. Purpose. The District was organized to replace Waynoka Utilities, Inc. as the provider of potable water and to provide waste water treatment for the Lake Waynoka environs.

Section 1.3. References. Legal references which govern the operation of the District and are made a part hereof are:

- a. Court order of Brown County Common Pleas Court
- b. Lake Waynoka Subdivision Restrictive Covenants
- c. Chapter 6119, ORC
- d. Pertinent portions of 3745-7 ORC
- e. Pertinent portions of 1702 ORC
- f. Pertinent portions of 735 ORC
- g. Pertinent portions of the Code of Regulations, WUI

ARTICLE II

BOARD OF TRUSTEES

Section 2.1. General Powers. The affairs of the District shall be managed by an elected Board of Trustees in accordance with the By-Laws of the District.

Section 2.2. Number of Trustees. Effective April 2011 the number of Trustees was changed from nine (9) to seven (7) active members of the District by Motion 2010-06.

Section 2.3. Term of Office. All trustees shall be elected for a term of three years commencing at the annual meeting each year. The number of trustees elected each year will vary between 2 and 3 depending on the number of terms expiring. Two terms of three years each shall begin in years 2011 and 2013; and three terms of three years each shall begin in year 2012. Thereafter the cycle of 2-3-2 terms repeats every three years. Each trustee thus elected shall hold office for the designated period (three years) or until his/her properly

Revised & Adopted April 1, 2011

elected successor shall have been elected and installed in accordance with the plan approved by the Brown County Court of Common Pleas.

Section 2.4. Qualifications. Only those persons who are members in good standing of the District are eligible to become trustees of the District. To be in good standing, a member must have paid in full all current assessments, user fees, dues, and all other financial obligations.

Section 2.5. Vacancies. Any vacancy occurring in the Board of Trustees and any trusteeship to be filled by reason of an increase in the number of trustees, shall be filled by a two-thirds (2/3) majority vote of the Board of Trustees. A trustee named to fill a vacancy shall be appointed for the unexpired term of the person whose term is being filled. Prior to appointing a member to fill a vacancy on the Board, an announcement of the existence of said vacancy shall be made at two regularly scheduled Saturday meetings of the Board. (Resolution 1996-02)

Section 2.6. Compensation. Trustees shall not receive compensation for their services. Legitimate and substantiated expenses occurring in the conduct of District business may be reimbursed by the District.

Section 2.7. Adoption of Rules and Regulations. The Board of Trustees may, from time to time, adopt rules and regulations for the conduct of business by the District.

Section 2.8. Nepotism. Relatives of a member of the Board of Trustees may not be employed by the District. A relative is defined as the Board member's parents, grandparents, spouse, children, brothers, or sisters over the age of twenty-one (21). In addition no person may accept election to the Board if a relative is an employee of the District.

Section 2.9. Service on Other Boards Restricted. There shall be no more than two (2) persons serving as Trustees for the District who are also members of the Board of Trustees of the Waynoka Property Owners Association (WPOA). Conversely, if the District already has two members who are also members of the Board of WPOA and another District Board member wishes to stand for election to the WPOA Board, such member, upon being elected to the Board of WPOA, shall be required to resign his/her position on the District Board. Short term (not to exceed eighteen months) exceptions to this rule may be granted by a two-thirds (2/3) majority vote of the board in order to fill an unexpired term when a vacancy occurs.

Members who are seated on both the District Board and the WPOA Board are restricted from holding office as either President or Vice President on both boards simultaneously. (Motion 1994-04 modified by passage of the 2011 R&R Document)

Section 2.10. Anti-“Kickback” Provision. The acceptance of gifts or gratuities by any Board member or by any employee working for the District or by a member of the family of a Board member or such employee, from any individual, organization, company, corporation, partnership, et. al., with whom the District has a business relationship, that has a retail value in excess of twenty-five (\$25.00) is prohibited.

Revised & Adopted April 1, 2011

Should any such employee or member of the family of such employee be found to have violated this rule, the employee shall immediately suffer such punishment, up to and including immediate discharge, as the Board shall direct. Should a Board member or a member of the family of a Board member be found to have violated this rule, the Board member shall be immediately terminated from the Board and shall be ineligible to stand for re-election for a period of five years from the date of the next succeeding election.

“Family” is defined as stated in Section 2.8.

Section 2.11. Removal from Office of Board Member. Any Board member may be removed from office by a vote of two-thirds (2/3) of the remaining Board members for any of the following reasons:

- a) Committing an act of gross malfeasance.
- b) Committing an act of gross moral turpitude.
- c) Loss of good standing as a member of Waynoka Property Owners Association (WPOA), as delineated in Section 2.4. herein.
- d) Failure to attend three (3) consecutive regularly scheduled meetings.
- e) Failure to attend a total of ten (10) regularly scheduled meetings within any one (1) year period. A year period is defined as the period extending from one annual meeting to the next annual meeting.

Failure to attend meetings under sections “d” and “e” above shall not be charged if the meeting is missed due to illness, vacation or regularly scheduled annual absences. (Motion 1993-18)

ARTICLE III

COMMITTEES

Section 3.1. Executive Committee. The Board of Trustees shall appoint an Executive Committee of five (5) members of the Board, four of whom shall be the officers of the Board, and fifth member to be the “at-large” member elected at the annual meeting, to serve until the next annual meeting of members or next election of Trustees. The Executive Committee shall meet at such times and places as it shall deem necessary, but special meetings may be called by any member of the committee by giving of written or oral notice thereof to the other members. A majority of the members of the committee present and voting shall be binding as to the action taken.

Section 3.2. Nominating Committee. The Board of Trustees shall appoint a Nominating Committee of not less than one (1) nor more than three (3) members of the District. Said committee shall have the responsibility of soliciting persons to become candidates for positions on the Board of Trustees, of preparing and mailing ballots and voting instructions to each member of the District eligible to vote.

Section 3.3. Other Committees. The Board of Trustees may designate one or more additional committees, each of which shall consist of one or more Trustees, as well as other District members. Such committees shall have and exercise the authority of the Board in their

Revised & Adopted April 1, 2011

designated area of management of the District but the designation of such committees and the delegation of authority thereto shall not operate to relieve the Board or any individual Trustee, of any responsibility imposed upon it or him/her by law.

Section 3.4. Term of Office. Each member of a committee shall continue as such until the next annual meeting of the members of the District or until his/her successor is appointed, unless the committee shall be sooner terminated, or unless such member shall be removed from such committee or unless such member shall cease to qualify as a member.

Section 3.5. Chairperson. One member of each committee shall be appointed chairperson by the appointing authority.

Section 3.6. Vacancies. Vacancies in the membership of any committee may be filled by appointment in the same manner as provided in the case of the original appointments.

Section 3.7. Quorum. Unless otherwise provided by the Board of Trustees when appointing a committee, a majority of the whole committee shall constitute a quorum and the action by a majority of the members present at a meeting at which a quorum is present, shall qualify as action by the committee.

Section 3.8. Rules and Regulations. Each committee may adopt rules for its own government provided that they are not inconsistent with these regulations, the By-Laws of the Board or with the laws of Ohio. They must comply explicitly with the provisions of ORC 121.22 with respect to meetings open to the public, maintaining minutes that are open to public inspection, providing notice of meeting. (Motion 1994-03)

Section 3.9. Assessment Equalization Board. In the event a member as herein defined, wishes to challenge an assessment set by the Board of Trustees, the Board shall appoint an Assessment Equalization Board consisting of three disinterested persons in accordance with the provisions of Chapter 6119 ORC. Said Board shall operate as delineated in 6119 ORC.

ARTICLE IV

MEMBERSHIP IN THE DISTRICT

Section 4.1. Class of Membership. The District shall have only one class of membership. Membership shall be restricted to those persons who either own or who have finalized a purchase agreement for one or more lots in the Lake Waynoka Subdivision, a subdivision of Brown County, Ohio, recorded in the official records of the office of the recorder of Brown County, Ohio.

Section 4.2. Voting Rights. A member shall have the right to cast one vote regardless of the number of lots owned or number of fees paid. When more than one person

Revised & Adopted April 1, 2011

holds an interest in a lot, the vote shall be exercised by the person whose name first appears on the deed or purchase agreement. Only owners of properties on which all current dues, assessments and other financial obligations are paid shall be eligible to vote. (Resolution 2003-02)

Section 4.3. Membership Non-Transferable. Membership in the District shall not be transferable except upon disposition or other termination of the member's interest in the property as recorded in the County Recorder's office.

Section 4.4. Termination of Membership. Membership shall be automatically terminated when a member ceases to own property or ceases to have an interest in property at the Lake Waynoka Subdivision. Voting rights may also be suspended by action of the Board of Trustees for an abuse of membership and/or violation of the rules and regulation pertaining to water and sewer use as promulgated by the Board.

Section 4.5. Resignation of Membership. Any member may resign from the District but such resignation shall not relieve said member so resigning of the obligation to pay any charges set forth herein.

Section 4.6. Reinstatement. Upon written request signed by a former member and filed with the Secretary, the Board, by an affirmative vote of two-thirds (2/3) of the members of the Board, may reinstate such former member to full membership and to such voting rights, and under such terms as the Board shall deem proper.

Section 4.7. Annual Meeting. The annual meeting of the members shall be held at Lake Waynoka Sub-division, Brown County, Ohio or as otherwise provided by these regulations, on the third Saturday in the month of April, each year, for the purpose of transacting such business as may come before the meeting. If the day fixed for the annual meeting shall be a legal holiday in the State of Ohio, such meeting shall be held on the next succeeding Saturday at an hour and place as hereinbefore provided.

ARTICLE V

VOTING

Section 5.1. Voting. Where trustees are to be elected, or any other matter is to be resolved which requires a vote of the membership, such voting will be conducted by mail in such manner as the Board shall determine. In such case, the Board shall set a day and hour for such election and the Nomination Committee appointed by the Board pursuant to Article III, Section 3.2, shall solicit persons to become candidates for membership on the Board of Trustees of the District. It shall be the duty of the Nominating Committee to prepare ballots with the names of the various candidates for each term of office and to thereafter mail, with both sending and return postage paid, no later than ten (10) days prior to the election date set by the Board to each member eligible to vote, addressed to the last known address of said member, single ballot which delineates the votes each member is allowed to cast, instructions

Revised & Adopted April 1, 2011

for voting, and an envelope addressed to the Inspectors of Election, c/o Waynoka Regional Water & Sewer District, 1 Waynoka Drive, Sardinia, Ohio 45171. All ballots must be postmarked no later than the date set forth in the instructions. If such election by mail is to be held in conjunction with the annual meeting of the members, each ballot shall also contain a notice of such meeting. Trustees will be elected in order of the number of votes cast with those receiving the highest number of votes being elected.

The Nominating Committee shall thereafter notify each Trustee so elected and request that such person accept the office to which said person was elected. Newly elected trustees will be installed and shall take office at the annual meeting. Should a candidate withdraw prior to installation, the person with the next highest number of votes shall be installed. If a Trustee withdraws subsequent to installation, said trustee shall be replaced in accordance with the provisions of Article II, Section 2.5.

If, in any given year, the only candidates who have filed an application for election are those incumbents whose term of office is expiring, the Board may declare those candidates elected by acclamation, and cancel the formal election.

Section 5.2. Inspectors of Election. Prior to any election, the Board shall appoint two Inspectors of Election. These inspectors shall supervise the mailing of ballots, receive ballots returned by the members, tabulate the votes, determine if a quorum has been met, and to otherwise conduct the election and certify the results to the Nominating Committee.

Section 5.3. Quorum of Membership. A quorum for voting by mail shall be deemed to be a return of ballots by at least one-fifth of the eligible voting membership. If a quorum is not established by the return date specified in the voting instructions the matter under consideration shall be deemed to have failed for the want of a quorum, although nothing contained herein shall be deemed to prevent the resubmission of the matter to the membership at a later time. If the vote was for the purpose of electing trustees, and a quorum is not met, the incumbent trustees shall be deemed to have been reelected.

In any matter other than the election of trustees, after a quorum is established, the approval of a majority of the eligible membership who have returned ballots shall constitute passage of the matter voted upon.

ARTICLE VI

FEES, DUES, & ASSESSMENTS

Section 6.1. General. The Board of Trustees of the District shall, when required, pass resolutions which will set appropriate fees, dues, and assessments to be paid by property owners, either individuals, collective partnerships, or corporations such as WPOA, for the operation of the water and sewer plants and to amortize loans which may be obtained from time to time for capital expenditures to improve existing facilities or to extend services to previously un-served areas.

Section 6.2. Water. Each member of the District shall pay a water availability charge in an amount to be established, so long as water is available as stated herein. When a

Revised & Adopted April 1, 2011

water tap is placed on a lot, the water availability charge shall be discontinued and a water service charge substituted therefore.

In the event a member owns or is purchasing multiple lots, and a tap has been placed on one such lot, the member shall pay one water service charge for the served lot and one availability charge for all non-served lots.

If a served lot has an adjoining lot, said adjoining lot shall be included with the served lot and no added availability charge will be made.

If a building is built across two adjoining lots, both lots will constitute a single service lot and as indicated above, one additional lot which adjoins these two lots will be exempt from the availability charge. In no event, however, shall any lots which are non-adjoining be exempt from the water availability charge as noted above.

A member owning two or more lots to which water connections have not been installed shall pay only one water availability charge per year. Should said owner sell one or more of the lots, the purchaser of said lots shall become equally bound by these regulations and any exemptions enjoyed by the prior owner shall not accrue to the purchaser except as said owner shall be entitled under these regulations. All new lot owners shall become liable for charges beginning with the month immediately following the date of transfer of the aforesaid lots to such new owner.

As provided for in Section 6119.06 (V) and 6119.09 ORC, charges for water service or for the availability of water services which are not paid within thirty (30) days of the billing date shall be increased by a ten (10) percent "late" charge. If such charges remain unpaid for a period of ninety (90) days, service shall be discontinued. Should water service be discontinued, and a dwelling be in place on such property, said dwelling shall be declared uninhabitable under the dwelling codes of the state of Ohio. Any costs incurred by the District in the collection of the aforesaid charges shall be borne by the delinquent member, his/her heirs, executors, and assigns. The above mention charges, if unpaid, shall constitute a lien encumbrance on or against said lot or lots.

Section 6.3. Sewer (Usage Fees). Rates for sewer usage shall be set, as required, by the Board of Trustees. Such rates shall apply equally to all properties receiving such service.

Section 6.4. Assessments (Availability Fees). Assessments (availability fees) shall be established for water or sewer, as required, to amortize loans obtained for the construction of capital improvements to existing facilities or for the extension of services to previously un-served areas or for the expansion of the existing plants. Assessments (availability fees) for water shall be placed against properties as delineated in Section 6.2 above. Assessments (availability fees) for sewer shall be placed against all properties within the affected area but shall not be placed against any property outside the affected area. No multiple lot exemptions shall apply to sewer assessments.

Section 6.5. Billing and Payment Dates.

(A) Bills for water availability charges and assessments shall be issued by the District to property owners on or about the first day of April of each calendar year and shall be due and payable on or about the first day of May of such calendar year. Each such bill shall be marked with a payment due date.

Revised & Adopted April 1, 2011

(B) Bills for water service charges and sewer service fees shall be issued on a monthly basis to property owners calculated on rates in such amounts as shall be determined by the Board of Trustees of the District from time to time. Bills shall be issued on or before the tenth day of each calendar month and shall be due on the last day of the calendar month during which such bill is issued. Each bill shall be marked with a payment due date.

(C) Bills shall be mailed by the District to the property owner by regular U.S. Mail, postage prepaid, addressed to the property owner at the last known address maintained in the District's records for such property owner.

(D) If a situation exists such it is not possible for the District to mail such bills or provide for payment thereof as specified in subparagraphs (A) and (B) of this Section, the date of mailing and the payment due date may be altered or amended as necessary by the General Manager of the District, in the exercise of his/her discretion, to achieve the most equitable result given all of the circumstances known to him/her. (Resolution 2001-01)

Section 6.6. Late Charges – Bad Check Charges.

(A) Payment of bills shall be made on or before the due date marked on the bill. Any bill not paid by the due date shall be considered in arrears. If payment is not made by the due date, a late payment charge in the amount of ten percent (10%) shall be added to the bill and shall be collected in the same manner as other charges. Each bill shall be considered as paid on the due date if the proper remittance is either actually delivered to the offices of the District prior to 4:00 p.m. on the payment due date or is postmarked as being mailed, postage prepaid, on or before the due date.

(B) Payment by check on or before the due date shall be considered timely only if such check is timely honored by the drawer's bank. Any check not honored by the drawer's bank for any reason upon presentation thereof for collection shall result in a bad check charge being added to such property owner's account and if such bad check charge is not immediately paid, it shall be considered an arrearage in such property owner's account, and shall be collected in the same manner as other charges. (Resolution 2001-01)

Section 6.7. Unpaid Charges Owing to the District. Annually, on or before the second Monday in September of each year, the secretary of the board of trustees of the District shall certify any unpaid water availability fees, water service fees, sewer service fees and other unpaid charges owing to the District, together with penalties thereon, to the County Auditor of Brown County, Ohio for placement upon the real estate tax list and duplicate for collection in the same manner as other taxes pursuant to the provisions of Ohio Revised Code Section 6119.06(W). (Resolution 2009-02)

Section 6.8. Service Disconnect – Voluntary.

(A) The District shall disconnect water service to any premises at the request of the property owner or his/her duly authorized agent or representative upon satisfactory proof of identity, subject to the provisions of subparagraph (B) of this Section.

(B) In the event the District is aware that the premises are occupied by a tenant of the property owner, water service will not be disconnected until a Notice of Disconnect has been issued to the tenant in the same manner as that set forth in Sections 6.9 and 6.10 and an opportunity for Review as provided in Section 6.11.

Revised & Adopted April 1, 2011

(C) The District shall issue a charge to the property owner for voluntary disconnects and reconnects of water service in such amounts as the Board of Trustees of the District shall determine from time to time. (Resolution 2001-01)

Section 6.9. Service Disconnect - Involuntary.

(A) The District may disconnect water service to any premises if such property owner's account at such premises, or any part thereof (i.e. water usage fees, sewer fees, accrued but unpaid late payment penalties, accrued but unpaid bad check charges or any other charges), is more than thirty (30) days in arrears, provided however, that service shall not be disconnected until the procedures set forth in subparagraph (B) of this section have been followed.

(B) Prior to disconnecting water service pursuant to subparagraph (A) of this Section, the District shall serve a Notice of Disconnection on the property owner (and the tenant of such premises, if any is known to the District). The Notice of Disconnection shall be deemed properly and timely served:

- 1) by mailing a copy thereof, by regular U.S. Mail, postage prepaid, to the property owner at the last known address maintained by the District for billing purposes (and to the tenant at the address of the premises or to such other address as specified by such tenant to the District in writing), not less than seven (7) days prior to the proposed service disconnect date; or
- 2) by delivering a copy thereof personally to the property owner (and tenant, if any), by leaving a copy thereof with a person of suitable age at the premises or, if no person of such description is at the premises, by leaving a copy thereof at a conspicuous place at the premises, not less than five (5) days prior to the proposed service disconnect date.

(C) The Notice of Disconnection shall clearly state the date after which water service is to be disconnected unless the property owner's account for such premises is brought current and shall further state that the property owner and/or tenant may seek review of the disconnect order by delivering a Request for Review at the District's Office at 1 Waynoka Drive, (Lake Waynoka Subdivision), Sardinia, Ohio 45171 not later than 4:00 p.m. of the last business day prior to the proposed service disconnect date provided in the Notice. Any Request for Review which is mailed by a property owner or tenant to the District's Office shall not be considered as timely delivered unless it is actually received at the District's Office prior to such date and time irrespective of the date of the postmark on such Request. The Notice of Disconnect shall also state that a Request for Review will automatically suspend disconnection until the decision of the General Manager as provided by Section 6.11. (Resolution 2001-01)

Section 6.10. Request for Review.

(A) Any property owner and/or tenant may seek review of a Notice of Disconnection issued by the District in accordance with this Section.

(B) In the event a property owner and/or tenant wishes to seek review of a Notice of Disconnection, the property owner and/or tenant shall cause a Request for Review to be delivered to the District's Office at 1 Waynoka Drive, (Lake Waynoka Subdivision), Sardinia, Ohio 45171 not later than 4:00 p.m. of the last business day prior to the proposed

Revised & Adopted April 1, 2011

service disconnect date provided in the Notice. Any Request for Review which is mailed by a property owner and/or tenant to the District's Office shall not be considered as timely delivered unless it is actually received at the District's Office prior to such date and time irrespective of the date of the postmark on such Request.

(C) Upon the receipt by the District Office of a Request for Review, the District shall suspend disconnection of water service until the decision of the General Manager provided for by Section 6.11. (Resolution 2001-01)

Section 6.11. Review Hearing.

(A) Upon receipt of a Request for Review, the District shall schedule a Review Hearing with the General Manager of District and shall notify the property owner and the tenant, if any, of the date, time and place of such Review Hearing. The Review Hearing shall be scheduled as soon as is possible and may be provided immediately upon the delivery of the Request for Review. Notice of the Review Hearing need not be in writing and may be communicated to the property owner and tenant, if any, by any method calculated to give notice.

(B) At the Review Hearing, the General Manager of the District shall receive such evidence as any interested party may present and shall be empowered to uphold, modify or reverse any decision made by any subordinate employee of the District based on such evidence received and exercise of his/her sound discretion. The General Manager may continue or adjourn such hearing from time to time as he/she may determine to be necessary or convenient. Following the Review Hearing, the General Manager shall issue a written decision of his/her findings and orders. Except as to the written decision of the General Manager, no record of such Review Hearing shall be made.

(C) In the absence of the General Manager, any officer of the Board of Trustees of the District shall be authorized to act in place of the General Manager for all purposes pertaining to the Request for Review and the Review Hearing. (Resolution 2001-01)

Section 6.12. Appeal to the Board of Trustees of the District.

(A) Any property owner and/or tenant may appeal any written decision of the General Manager made following a Review Hearing to the Board of Trustees of the District by delivering a written Notice of Appeal to the District's Office at 1 Waynoka Drive (Lake Waynoka Subdivision), Sardinia, Ohio 45171 to the attention of the Secretary of the Board of Trustees of the District within ten (10) business days after the date of the General Manager's written decision.

(B) The Notice of Appeal provided by subparagraph (A) of this Section shall not operate to stay or suspend, pending appeal, any decision of the General Manager.

(C) Upon receipt of a Notice of Appeal, the Secretary of the Board of Trustees of the District shall schedule an appeal hearing before the Board of Trustees of the District at the earliest possible time, which shall not be more than thirty (30) days after the delivery of the Notice of Appeal to the District's Office. The Secretary of the Board of Trustees of the District shall notify the appellant and the General Manager of the date, time and place of the Appeal Hearing. Notice of the Appeal Hearing shall be provided to the appellant not less than twenty-four (24) hours before the time set for the Appeal Hearing provided, however, that if the appellant is provided notice by mail service, the appellant shall be deemed to have

Revised & Adopted April 1, 2011

received timely notice if the Notice of the Appeal Hearing is mailed at least three (3) business days prior to the date set for the Appeal Hearing.

(D) At such Appeal Hearing, the Board of Trustees of the District shall receive such evidence as any interested party may present and shall be empowered to uphold, modify or reverse any decision made by the General Manager. The Board of Trustees may continue or adjourn such hearing from time to time as it may determine to be necessary or convenient. A majority of the members of the Board of Trustees shall concur in any decision and shall issue their finding and orders in writing. The decision of the Board of Trustees shall be final. (Resolution 2001-01)

Section 6.13. Citations. The District's Board of Trustees has authorized WPOA Security to issue citations to anyone violating the District's Rules and Regulations. These citations may be in the form of a warning, corrective action and/or a fine, depending on the violation. Fines issued by WPOA Security may be paid in person or via mail at the WPOA Administration Office. Checks should be made out to WRWSD and mailed/delivered to:

Waynoka Regional Water & Sewer District
1 Waynoka Drive
Lake Waynoka, Oh. 45171

Members have the right to have their WRWSD Citation reviewed by the District's Citation Review Committee. Any WRWSD Citation fine(s) not paid within thirty (30) days of issuance will also be reviewed by the Citation Review Committee. Members will be notified via US Mail regarding the date and time of the review. They have the option of attending and presenting their side of the story.

The Executive Committee (See Article III, Section 3.1) is the Citation Review Committee. The Chairperson is the President.

The Committee shall meet as required with the General Manager, head of Security and the Member(s), if they choose to attend, to review all open, past due warnings and citations issued by Security on behalf of the District.

The Committee will levy monetary fines, other forms of restitution, or corrective action it deems necessary. The Security Manual shall serve as a guide to assist the committee in determining the appropriate disposition of the charges. (Exception: Lawbreaking that requires local law enforcement action, however, this committee may also discipline the Member as necessary.)

The Committee will establish date(s) that any corrective action has to be completed and/or fines paid.

All Lake Waynoka Security citations and warnings shall be issued against the Member responsible even if the offense was committed by his/her Guest(s) or Visitor(s). The Member will be unable to renew their WPOA membership card until all monies owed to WPOA and the District are paid. (Motion 2007-05)

Section 6.14. Trespassing Fines. Anyone caught trespassing on District property or fishing in either the District's "Backup Lake" or reservoir shall be issued a warning for the

first offense, fined \$100.00 for the second, and \$200.00 for the third and each subsequent offense. (Motion 2007-06)

Section 6.15. Water Purchased from an Outside Source. During maintenance, emergency maintenance, or water emergency, water purchased from an outside source shall have the cost of the purchased water gallons prorated among the District's customers. This water cost plus a ten percent (10%) handling fee for testing and water system maintenance will be passed through to the customers of the District. The District's Board will decide whether or not this charge replaces the normal water charge or is of such a nature that it would be titled a surcharge. (Motion 2001-02)

ARTICLE VII

ADMINISTRATION

Section 7.1. Contracts. The Board of Trustees of the District may authorize any officer or agent of the District, in addition to the officers so authorized by these regulations, to enter into any contract or to execute and deliver any instrument in the name and on behalf of the District, and such authority may be general or confined to specific instances. An example of such a contract is the Contractual Services Agreement between WPOA and the District.

Section 7.2. Checks and Drafts. 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 such officer, officers, agent or agents of the District and in such manner as shall from time to time be determined by the Board. Instruments above specific dollar levels as shall from time to time be determined by the Board shall be signed by the General Manager and countersigned by the President, Vice President, or Treasurer of the District. Routine checks for the payment of regular items of indebtedness such as utility bills, payroll, insurance premiums, etc. may be signed by the General Manager or the Assistant Treasurer.

Section 7.3. Deposits. All funds of the District shall be deposited from time to time to the credit of the District in such banks, trust companies, or other Federally insured depositories as the Board may select.

Section 7.4. Gifts. The Board may accept on behalf of the District any gift, contribution, bequest or other item for the general purpose or any special purpose of the District.

Section 7.5. Certificates of Membership. The Board may provide for the issuance of certificates evidencing membership in the District which shall be in such form as may be determined by the Board. In such event, a certificate of membership shall be issued in the member's name and delivered to the member by the Secretary, when such member shall have paid all charges that may then be required.

Revised & Adopted April 1, 2011

Section 7.6. Books & Records. The District shall keep correct and complete books and records of accounts and shall keep minutes of the proceedings of the Board, and shall keep at the principal office a record giving the names and addresses of all members entitled to vote. All books and records of the District may be inspected by any member, or his/her agent or attorney, for any proper purpose at any reasonable time.

The District's Disaster Recovery Plan for all administration records, ownership files, billing systems, accounts receivable, etc. shall be as follows:

- All administration files shall be copied daily at the end of business hours. The copied disk shall be stored in a fireproof file cabinet.
- In addition, a weekly backup shall be made of all such files and stored off site of the Administration Building. (Motion 2004-02)

Section 7.7. Fiscal Year. The fiscal year of the District shall begin on January 1st of each year and end on December 31st, of that year. (Resolution 1999-03 & 1996-02 & Motion 1998-15)

Section 7.8. Seal. The Board may provide a District Seal, which shall be in the form of a circle and shall have the name of the District inscribed therein. If provided, it shall be kept in the custody of the Secretary.

Section 7.9. Waiver of Notice. Whenever any notice is required to be given under the provisions of the laws of Ohio or under the provisions of the By-Laws or Regulations of the District, a waiver thereof, in writing, signed by the person or persons entitled to such notice, shall be deemed to be equivalent to having received such notice.

Section 7.10. Purchases. All purchases of materials, services, etc. which are in excess of the dollar amount established in ORC 6119.10 in either individual items or in the aggregate shall be obtained by competitive bid except for such routine expenditures as electric service, etc.

Section 7.11. Insurance & Indemnification of Officers & Employees.

The District shall maintain general liability, fire and extended coverage on all of its property. It shall maintain errors and omissions insurance on all Board members and principal management personnel. It shall maintain fiduciary bonds on the Treasurer, General Manager and all officers and management personnel who have authority to dispense funds.

Resolution 2003-01 provides for the defense and indemnification of the officers and employees of the District in connection with any civil action or proceeding brought against such officer or employee for acts or omissions of such officer or employee alleged to have occurred in connection with the scope of said employee's employment with the District or within the scope of such officer's responsibilities to the District. (Resolution 2003-01)

Section 7.12. Reimbursement. District personnel and Board members who incur expenses in carrying out their authorized duties will be reimbursed by the District upon submission of a properly filled out and approved voucher with such supporting receipts as required by the Treasurer. (Motion 2002-01)

Section 7.13. Fire Hydrants. Fire hydrants are for the protection of the community from fire. Fire hydrants may be opened by the Fire Department and District employees working at the direction of the General Manager or the plant superintendent. All fire hydrant valves will be cycled on a scheduled yearly basis by District employee(s).

All private swimming pools will be filled by a hose attached to the home water meter. If a property owner fills a pool from a fire hydrant, they shall be charged for the quantity of water needed to fill the pool plus an equal dollar amount as a fine for misuse of a fire hydrant. If a contractor uses a fire hydrant to fill a pool without District permission a \$200 dollar fine shall be assessed against the contractor and the matter shall be referred to the WPOA Citation Review Committee with the recommendation that the builder be restricted from building at Lake Waynoka for a period of two (2) years. (Motion 2001-04 modified with the passage of the 2011 R&R Document)

Section 7.14. Personnel Policies & Procedures. District personnel are covered under the current WPOA Personnel Policies & Procedures Handbook. (Motion 1997-09)

Section 7.15. Amendments. The By-Laws and Rules and Regulations of the District may be amended from time to time by an affirmative vote of two-thirds (2/3) of the members of the Board of Trustees.

ARTICLE VIII

OPERATIONS

Section 8.1. Required Connections to the Sanitary Sewer System. Resolution 1999-06 states that the household sewerage disposal system of existing homes within the District would be abandoned and the house sewer directly connected to the sewerage system upon construction and/or extension of the sanitary sewer system of the District so as to be accessible to such home. No new home within the District shall be constructed with a household sewerage disposal system if such home would be accessible to the sanitary sewer system of the District as constructed and/or extended.

The District shall require that the owner or builder of any newly built home which is accessible to the sewer line as constructed or extended connect such newly built home to such sewer line and require such owner or builder to pay to the District such tap-in, grinder pump and pipe fees as are then in effect as shall be established by the Board of Trustees of the District. No new home which will be accessible to a sewer line shall be constructed until such fees and charges have been paid. (Resolution 1999-06)

Section 8.2. Vacant Dwellings. (Motion 2001-03 modified with the passage of the 2011 R&R Document) The General Manager will take the following action(s) when a home owner wishes to leave or abandons a property with water and sewer service active in the building:

1. A home owner wishes to be absent for several months.

Revised & Adopted April 1, 2011

- a) Owner should winterize the dwelling but should not turn off the electricity to the grinder pump (this can cause freezing damage to the pump).
- b) Owner shall be responsible for the minimum monthly water/sewer charge.
2. A dwelling is abandoned with neither water nor electricity.
 - a) The owner will continue to be charged the minimum water and sewer charges until the sale of the property.
 - b) The water shall be locked out at the curb and grinder pump will be pulled as soon as the District becomes aware that the dwelling is abandoned or after three months of delinquency on water and sewer bills.
 - c) A new owner will incur the current water reconnection fee and the current grinder pump re-installation/inspection fee. The water/sewer shall not be turned on until all the District bills are paid in full.

Section 8.3. Permanent removal of Water and Sewer Services. (This section added with the passage of the 2011 R&R Document) A property owner wants water and sewer removed permanently from a property and to revert to Water Availability billing only.

- a) A request may be made to the District to shut off water and sewer at the property.
- b) A permanent shut off fee will be charged to the property owner (contact office for current fees).
- c) The water will be shut off at the curb and locked. The water tap/meter will be removed at the Districts discretion.
- d) The grinder pump will be removed along with any other sewer sealing work required at the Districts discretion.
- e) If the property owner or a new property owner requires water and sewer on this lot again they will be charged current full water and sewer tap installation fee's regardless of what equipment might remain

Section 8.4. Damage to District Property on Property Owner's Lot. Any damage caused to the water meter transponders, lids, pits or any other associated equipment, shall be repaired and any associated costs, including labor and materials, shall be charged to the property owner's accounts for reimbursement. (Motion 2000-06)

Section 8.5. New Home Construction. The following policy is in respect to the construction of new homes: Water supply lines, sewer taps, and grinder pumps will not be installed until:

- a) All exterior rough grade is complete.
- b) All construction trash and materials on the exterior have been removed from the site. (Motion 1998-01)

Section 8.6. Grinder Pumps. The grinder pump is designed to handle only body waste, toilet paper and tissues. The following items should never be put in the system:

- ❖ Egg shells, fish scales, shells, cat litter, stones
- ❖ Diapers, socks, rags or cloth of any kind
- ❖ Personal hygiene products
- ❖ Oils or grease, gasoline, flammable material

Revised & Adopted April 1, 2011

- ❖ Strong chemicals (drain cleaner)
- ❖ Glass, plastic objects (toys, utensils, etc.), metal objects

Any of the above items introduced into the system could result in premature failure of the pump and require service. If the red light on the electric box is on it means the pump is not working properly. Security should be contacted if the homeowner's light or neighbor's light is on. Security will dispatch District mechanics.

Power Failure – The grinder pump cannot dispose of wastewater without electrical power. If electrical power service is interrupted, water usage should be kept to a minimum, even if the homeowner has a portable generator powering the pump.

Landscaping Around the Grinder Pump – The landscaping grade around the pump should be a minimum of 4" below the top of the lid and sloped away from the unit.

The air vent opening can not be obstructed at any time. The pump needs to "breathe" and in a failure situation back flow water will empty on to the ground rather than into the homeowner's home. Because grinder pumps need to be serviced from time to time, the pump cover should never be covered or obstructed in any way. The District has an easement granted to install and maintain the grinder pump.

Additional Information – Any plumbing modifications in a homeowner's residence may require a plumbing permit from the Brown County Health Department. A check with Brown County Plumbing Inspector should be made before making any improvements and/or changes to the plumbing. Any changes to existing plumbing may compromise the original flow and cause problems. If the homeowner does not obtain approval for the changes, the homeowner is responsible for any financial damages caused by a failure of the sewer system.

Section 8.7. Surface Water Infiltration into the Wastewater Treatment Facility.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, foundation drainage, sump pumps, or other clean water drainage to any sanitary sewer owned and/or operated by the District.

If it is determined that any connection (residence or other facility) is in violation, the owner shall be required to correct the connection and/or develop a plan approved by the Board within 90 days of written notification from the President of the District Board of Trustees, or his/her designee. If the violation is not corrected, water service to the residence or facility will be turned off and the Brown County Health Department notified. (Resolution 2009-04)

Section 8.8 Problem Resolution Process

(A) All questions regarding billing, fees and assessments should be directed to the WPOA/WRWSD Administration Office. See "Article VI – Fees, Dues & Assessments".

(B) Grinder Pump problems and water line breaks should be directed to the Water & Sewer Plant. If reporting time frame is outside normal work hours or if unable to reach anyone at the Water & Sewer Plant, problem should be reported to Security. Security will notify the District plant personnel of the problem.

(C) All non-emergency water or sewer problems should be reported during normal work hours to the Water & Sewer Plant.

(D) Telephone numbers for the Administration Office, Water & Sewer Plant, and Security are listed in the Lake Waynoka Phonebook.

Revised & Adopted April 1, 2011

(E) Escalation of any problems after initial contact outlined above should be directed to the General Manager.

(F) Any property owner and/or tenant may appeal any decision of the General Manager to the Board of Trustees of the District by delivering a written Notice of Appeal to the District's Office. See "Section 6.12 Appeal to the Board of Trustees of the District" for information on the appeal process.