

COLUMBUS COUNTY BOARD OF COMMISSIONERS**February 01, 2010****6:30 P.M.**

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, for the purpose of conducting their regular scheduled meeting on the first Monday.

COMMISSIONERS PRESENT:

P. Edwin Russ **Chairman**
 Giles E. Byrd, **Vice Chairman**
 Amon E. McKenzie
 James E. Prevatte
 Lynwood Norris
 Ricky Bullard
 Ronald Gore

APPOINTEES PRESENT:

William S. Clark, **County Manager**
 Mike Stephens, **County Attorney**
 June B. Hall, **Clerk to Board**
 Bobbie Faircloth, **Finance Officer**

Agenda Items #1, #2 and #3:**MEETING CALLED to ORDER, INVOCATION and PLEDGE of ALLEGIANCE:**

At 6:30 P.M., Chairman P. Edwin Russ called the February 01, 2010 Columbus County Board of Commissioners Regular Session Meeting to order. The invocation was delivered by Commissioner James E. Prevatte. Everyone in attendance stood and pledged Allegiance to the Flag of the United States of America which was led by Vice Chairman Byrd.

Agenda Item #4: BOARD MINUTES APPROVAL:

Commissioner Norris made a motion to approve the January 11, 2010 Workshop for Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, as recorded, and the January 19, 2010 Regular Session Board Meeting Minutes, as recorded, seconded by Commissioner McKenzie. The motion unanimously passed.

Agenda Item #5: PUBLIC INPUT:

Chairman Russ opened the floor for public input. The following spoke.

1. **Doug Klier:** stated the following:
 - A. It would be very beneficial to the elderly citizens and the citizens on fixed incomes if the water districts would allow them to make payments on the tap fees;
 - B. How many county facilities are recycling at the present time?; **and**
 - C. As a suggestion, I think you should place dumpsters at the county facilities for recycling purposes.

2. **Johnny D. Edge, III, 470 Happy Home Road, Nakina, NC:** stated he had discovered the following information relative to the equine industry:
 - A. The total economic impact on the State of North Carolina is \$1.9 billion;
 - B. The federal, state and local taxes are \$196 million in revenue for the state;
 - C. There are 306,210 total number of equine;
 - D. The equine industry generates 19,183 jobs in North Carolina;
 - E. Out of the expenditures within the county, seventy-two (72%) stays in the County
 - F. Promotes the Boys and Girls Home;
 - G. Brings out-of-state revenue into the County;
 - H. It helps promote and increase population, which in turn helps our tax base;
 - I. Promotes new jobs;
 - J. Helps business that are related to equine products; **and**
 - K. Helps feed suppliers, producers of tac and helps promote the veterinarian and health services needed.

Agenda Item #6: 2008 CDBG #08-C-1819 SCATTERED SITE PROGRAM -APPROVAL of APPLICANT SELECTIONS:

Floyd Adams, The Adams Company, Incorporated, requested Board approval to remove specified applicants, and move forward with alternates for the 2008 CDBG Scattered Site Program, as follows:

Original Selections

UNIT	NAME	ADDRESS	TOWN
3	Geneva Jacobs	6320 Old Lake Road	Bolton
6	Charles and Pauline Joyner	106 W. 4 th Avenue	Chadbourn
9	Wanda Spivey	182 Sycamore Drive	Chadbourn
23	Loraine Cokley	P.O. Box 1604	Whiteville

Alternate Selections

UNIT	NAME	ADDRESS	TOWN
14	Carrie Antone	10707 Sam, Potts Highway	Lake Waccamaw
19	Freddie Williams	334 West 2 nd Street	Tabor City
11	Dortha Gause	79 Ward Village	Evergreen
22	Rose Nell McCallister	55 McCallister Drive	Whiteville

Mr. Adams stated the following:

1. Mike Stephens, County Attorney, and I have discussed this matter, and this is the direction in which we would like to proceed in as of tonight;
2. Delete Loraine Cokley and Wanda Spivey due to some problems;
3. Add the alternates Carrie Antone and Dortha Gause to the project; **and**
4. I would like to leave Rose Nell McAllister.

Commissioner Norris made a motion to approve the deletion of Loraine Cokely and Wanda Spivey, and adding the alternates Carrie Antone and Dortha Gause to the 2008 CDBG # 08-C-1819 Scattered Site Program, as recommended by Floyd Adams, seconded by Commissioner McKenzie. The motion unanimously passed.

Agenda Item #7: EMERGENCY SERVICES - ESTABLISHMENT OF DATE AND TIME FOR EMERGENCY COMMUNICATIONS WORKSHOP:

Jeremy Jernigan, Emergency Services Director, requested the Board to establish a date and time for a workshop to discuss the need for upgrades to the county’s emergency communications systems. Mr. Jernigan stated this workshop is to educate the Board of Commissioners on some of the issues we have with our current radio system and the 911 Center.

Commissioner Prevatte made a motion to establish March 08, 2010, at 6:00 P.M., as the date and time for the Emergency Communications Workshop, seconded by Commissioner Bullard. The motion unanimously passed.

Agenda Item #8: PUBLIC TRANSPORTATION - APPROVAL of CAPITAL CONTRACT with NORTH CAROLINA DEPARTMENT of TRANSPORTATION:

Charles Patton, Transportation Director, requested Board approval of the Supplemental Contract and authorization for Chairman to sign. Mr. Patton stated the following:

1. This particular contract is for computers that were hit by lightning and we had to submit for capital; **and**
2. The State pays ninety (90%) percent and the remaining ten (10%) percent comes from my reserves which we get from advertising and surcharges.

Vice Chairman Byrd made a motion to approve the Capital Contract with North Carolina Department of Transportation, in the amount of one hundred seventy-two thousand, seven hundred five, and 00/100 (\$172,705.00) dollars, seconded by Commissioner McKenzie. The motion unanimously passed. A copy of this document will be marked as Exhibit "A", and kept on file in the Minute Book Attachments, Book Number 3, in the Clerk to the Board's Office, for review.

Agenda Item#9: PUBLIC TRANSPORTATION - APPROVAL of the ARRA CAPITAL BUDGET from NORTH CAROLINA DEPARTMENT of TRANSPORTATION:

Charles Patton, Transportation Director, requested Board approval of the Supplemental Contract and authorization for Chairman to sign. Mr. Patton stated the following:

1. This is the one-time Stimulus Program for this year and this year only; **and**
2. All of our vans will be paid at one hundred (100%) percent instead of ninety (90%) percent.

Commissioner Prevatte made a motion to approve the ARRA Capital Budget from North Carolina Department of Transportation in the amount of two hundred seventeen thousand, eight hundred fifty, and 00/100 (\$217,850.00) dollars, seconded by Vice Chairman Byrd. The motion unanimously passed. A copy of this document will be marked as Exhibit "B", and kept on file in the Minute Book Attachments, Book Number 3, in the Office of the Clerk to the Board, for review.

Agenda Item #10: H.U.D. - DEPARTMENTAL UPDATE:

NaTonya Hassell, H.U.D. Director, delivered the following departmental update to the Board.

1. As of February 1, 2010, the current number of families on the waiting list is five hundred sixty (560);
2. Our applications have increased by thirty - forty (30 - 40) over the last six (6) months;
3. There have been four hundred sixty-one (461) inspections conducted;
4. A total of twelve (12) abatements issued for non-compliance with HQS inspections in a timely fashion;
5. There were a total of three hundred fifty-one (351) re-examinations;
6. There is a total of four hundred fifteen (415) families on the program as of February 01, 2010;
7. There are thirty-one (31) new admissions to the program and forty-five (45) terminations to the program;
8. The total amount of HAP payments paid from June, 2009 to February 1, 2010 is \$1,161,747.01;
9. The total administrative cost paid from June, 2009 to February 1, 2010 is \$109,185.87; **and**
10. A total disbursement of \$1,270,932.88.

Agenda Item #11: PUBLIC HEARING - ESTABLISHMENT of DATE and TIME for the SUBDIVISION ORDINANCE PUBLIC HEARING:

Jim Dossett, Planning Director, requested the Board to establish a date and time for a Public Hearing for the Subdivision Ordinance

Commissioner McKenzie made a motion to establish February 15, 2010, at 6:30 P.M., as the date and time to conduct a Public Hearing for the Subdivision Ordinance, seconded by Vice Chairman Byrd. The motion unanimously passed.

Agenda Item #12: PUBLIC HEARING - ESTABLISHMENT of DATE and TIME for a PUBLIC HEARING on the PROPOSED ISSUANCE of REVENUE BONDS on BEHALF of INTERNATIONAL PAPER COMPANY:

John Semeniak, Attorney for International Paper Company, requested the Board to establish a date and time for a public hearing on the proposed issuance of revenue bonds on behalf of International Paper Company.

Commissioner Bullard made a motion to establish February 15, 2010, at 7:00 P.M., as the date and time for a Public Hearing to be conducted on the proposed issuance of revenue bonds on behalf of International Paper Company, seconded by Commissioner Norris. The motion unanimously passed.

Agenda Item #13: RE-APPOINTMENTS:

Katherine Horne, Chair of the Columbus County Criminal Justice Partnership Program Advisory Board, requested approval of the following recommended re-appointments to the Columbus County Criminal Justice Partnership Program Advisory Board.

ZONE	COMMITTEE	APPOINTEE	EXPIRATION DATE
EB	Criminal Justice Partnership Program Advisory Board	Katherine Horne William S. Clark James E. Prevatte Rickie Rouse Dawn Mehalic Glenda George Don W. Viets, Jr. Evelyn Troy Greta Sellers Bobby Worley C.R. Ward	Term Term Term Term Term 3 Yrs. 2 Yrs. 2 Yrs. 1 Yr. 3 Yrs. 1 Yr.

After a brief discussion relative to the addition of Nikki Gore to the Criminal Justice Partnership Program Advisory Board, Commissioner Bullard made a motion to approve the recommended re-appointments, and the addition of Nikki Gore, contingent on Ms. Horne’s concurrence that this can be done, seconded by Commissioner McKenzie. The motion unanimously passed.

RECESS REGULAR SESSION and enter into COMBINATION MEETING of COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V BOARD MEETING

At 6:55 P.M., Commissioner McKenzie made a motion to recess Regular Session and enter into a **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting, seconded by Vice Chairman Byrd. The motion unanimously passed.

Agenda Item #14: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

January 19, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (**5 sets**)

This information will be recorded in Minute Book Number 1 for each water district, respectively.

Agenda Item #15: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of REVISED UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:

Kip McClary, Public Utilities Director, requested Board approval and adoption of the **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities. (**This will be the second reading.**)

This information will be recorded in Minute Book Number 1 for each water district, respectively.

ADJOURN COMBINATION MEETING of COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III IV and V BOARD MEETING and resume REGULAR SESSION

At 7:30 P.M., Commissioner Prevatte made a motion to adjourn the **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting, seconded by Commissioner Norris. The motion unanimously passed.

Agenda Item #16: CONSENT AGENDA ITEMS:**A. Budget Amendments:**

Commissioner Norris made a motion to approve the following budget amendments, seconded by Vice Chairman Byrd. The motion unanimously passed.

TYPE	ACCOUNT	DETAILS	AMOUNT
Expenditure	10-4320-539200	Uniforms	(6,000)
	10-4320-535200	M&R Equipment	6,000
	10-4310-535300	M&R Vehicles	1,032
	10-4310-539200	Uniforms	(5,000)
	10-4310-526001	Dept Supplies	5,000
Revenue	10-3431-489000	Miscellaneous Rev. - Sheriff	1,032
Expenditure	10-5301-533001	CP&L Energy	332
Revenue	10-3530-430076	CP&L Energy	332
Expenditure	10-4320-535200	M&R Equipment	6,051
	10-4310-535300	M&R Vehicle	131
Revenue	10-3432-489000	Miscellaneous Revenue - Jail	6,051
	10-3431-489000	Miscellaneous Revenue - Sheriff	131
Expenditure	68-9600-560061		14,177
	68-9600-560066		8,668
	68-9600-560070		24,974
Revenue	68-3452-430116	NCDOT-Rural Operating Asst Prg	229,126
	10-3839-430080	NCDOT Interagency Transportation	(181,307)
Expenditure	10-4320-519301	Medical Expense	9,103
Revenue	10-3431-420002	SCAAP - Criminal Alien Assistance	9,103
Expenditure	10-5161-512100	Salaries and Wages	1,250
Revenue	10-3510-430031	Family Grant	1,250

B. Tax Refunds and Releases:

Commissioner Norris made a motion to approve the following Tax Refunds and Releases, seconded by Commissioner McKenzie. The motion unanimously passed.

**TAX REFUNDS (as submitted to the Governing Body Office from the Tax Office):
February 01, 2010**

Refunds Name: Bullard, Kevin & Beth Amount: \$0.00
 Value: \$0.00 Year 009 Account # 0-01691 Bill # 18401 Total \$210.00
 Refund user fee. House under construction.
 210 Hillcrest Lane Whiteville NC 28472

Refunds Name: Godwin, Wanda Amount: \$0.00
 Value: \$0.00 Year 009 Account # 13-04253 Bill # 28517 Total \$210.00
 Refund user fee. Property sold and is vacant.
 10359 Clarendon-Chadbourn Rd. Clarendon nc 28432

TAX RELEASES (as submitted to the Governing Body Office from the Tax Office):**January 04, 2010**

Release the Property Value in the name of Andrews, Herman P Amount: \$545.24
 Value: \$66,900.00 Year: 2009 Account # 15-00610 Bill # 3723 Total \$638.90
 Release a portion of the property value, a portion of Acme Delco(80.28), portion of Columbus Rescue (13.38).
 House incomplete.

Release the Property Value in the name of Andrews, Herman Phillip Amount: \$169.52
 Value: \$20,800.00 Year: 2009 Account # 15-00610 Bill # 3723 Total \$408.64
 Release a portion of property, a portion of Acme Delco (24.96), a portion of Columbus Rescue (4.16). Billed
 with incorrect square footage.

Release the Property Value in the name of Fouskey, Kevin James Amount: \$67.65
 Value: \$8,300.00 Year: 2009 Account # 12-00043 Bill # 6549 Total \$80.12
 Release property value and North Whiteville(5.00), Columbus Rescue (1.66) and Water District II (5.81)
 Double listed to Herbert Bellamy.

Release the Property Value in the name of Gore, James Mark Amount: \$57.05
 Value: \$7,000.00 Year: 2009 Account # 07-06363 Bill # 8924 Total \$64.05
 Release portion of property value, a portion of Nakina Fire(5.60), a portion of Columbus Rescue (1.40). 2
 Houses incomplete.

Release the Property Value in the name of Graham, Mary Jane Amount: \$15.75
 Value: \$1,932.00 Year: 2009 Account # 15-16460 Bill # 9662 Total \$228.46
 Release the property value, a portion of Acme Delco (2.32), a portion of Columbus Rescue (.39). Double listed
 to Shannon V. Daniels.

Release the Property Value in the name of Haynes, Benjamin Franklin Amount: \$376.53
 Value: \$15,400.00 Year: 2009 Account # 12-11340 Bill # 1773 Total \$421.19
 Release a portion of property value. A portion of Columbus Rescue (9.24), portion of Water District 2 (35.42).
 Double listed to Jasper Haynes.

Release the Property Value in the name of Long, R C Amount: \$203.14
 Value: \$1,000.00 Year: 2005/0 Account # 03-14680 Bill # 999 Total \$229.14
 Release a portion of property value, a portion of Old Dock (20.80), a portion of Columbus Rescue (5.20).
 Double listed to Nancy Coleman.

Release the Property Value in the name of McGaugh, Charles E Amount: \$27.40
 Value: \$500.00 Year: 2000/0 Account # 05-04120 Bill # 999 Total \$81.33
 Release a portion of the property value, a portion of North Whiteville(50.00), a portion of Columbus Rescue
 (.66) , portion of Water District 3 (3.27). Double listed to Andrew Anderson.

Release the Property Value in the name of Mitchell, Nettie Golden Amount: \$257.56
 Value: \$4,100.00 Year: 2000/0 Account # 01-62620 Bill # 999 Total \$264.16
 Release property value and Whiteville Rescue. Double listed to Yvonne Frink.

Release the Property Value in the name of Powell, Leal Amount: \$991.56
 Value: \$16,200.00 Year: 2000/0 Account # 12-22206 Bill # 999 Total \$1,145.34
 Release property value for years 2000-2009, release North Whiteville (50.00), Columbus Rescue (23.56) and
 Water District II (80.22). Double listed to Henry Wooten.

Release the Property Value in the name of Rooks, Robert Graham Amount: \$12.07
 Value: \$1,481.00 Year: 2009 Account # 03-03722 Bill # 7955 Total \$14.75
 Release portion of property value, a portion of Brunswick Fire (1.04), a portion of Whiteville Rescue (.30). Boat
 salvaged.

Release the Property Value in the name of Shipman, Jones Amount: \$819.60
 Value: \$13,200.00 Year: 2000/0 Account # 14-13900 Bill # 999 Total \$924.60
 Release property value, and Welches Creek Fire(84.00) and Whiteville Rescue (21.00). Double listed to Annie
 Mae Jones Shipman.

Release the Property Value in the name of Smith, Mack S. Amount: \$122.45
 Value: \$7,243.00 Year: 2009 Account # 12-02138 Bill # 0950 Total \$955.96
 Release portion of property value, a portion of Columbus Rescue (3.00), a portion of Water District 2 (10.51).

1 Mobile Home Torn Down, 1 Mobile Home moved to Bladen County.

Release the Property Value in the name of Ward, Candy W.	Amount:	\$19.56
Value: \$2,400.00 Year: 2009 Account # 02-02994 Bill # 6514	Total	\$20.04
Release portion of property value, a portion of Whiteville Rescue. Double listed with same name on different property number.		
Release the User Fee in the name of Anderson, Joyce Long	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 03-00063 Bill # 3656	Total	\$210.00
Release user fee house vacant.		
Release the User Fee in the name of Anderson, William	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 03-00141 Bill # 3687	Total	\$17.50
Release a portion of user fee. House burned 10/09.		
Release the User Fee in the name of Bailey, Barbara D	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 03-01028 Bill # 4084	Total	\$210.00
Release user fee. House vacant.		
Release the User Fee in the name of China Grove Baptist Church	Amount:	\$0.00
Value: \$0.00 Year: Account # 18-00119 Bill # 060	Total	\$122.50
Release a portion of user fee. Did not have can full year.		
Release the User Fee in the name of Gore, James Mark	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 07-06363 Bill # 8924	Total	\$420.00
Release user fee. House incomplete.		
Release the User Fee in the name of Green, David	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 13-16321 Bill # 0003	Total	\$210.00
Release user fee. Mobile Home sold 1/09.		
Release the User Fee in the name of Heavener, Vickie	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 15-01948 Bill # 1926	Total	\$210.00
Release user fee. House is vacant.		
Release the User Fee in the name of Ivey, Sylvester	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 03-11775 Bill # 4236	Total	\$210.00
Release user fee. House vacant.		
Release the User Fee in the name of Jacobs, George	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 04-08120 Bill # 4554	Total	\$210.00
Release user fee. House vacant.		
Release the User Fee in the name of Jones, Billy	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 09-15954 Bill # 5507	Total	\$210.00
Release user fee. House vacant.		
Release the User Fee in the name of Jones, Billy H.	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 03-01458 Bill # 5508	Total	\$210.00
Release user fee. House is vacant.		
Release the User Fee in the name of Lawrence, James Edward	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 01-02378 Bill # 6909	Total	\$123.00
Release user fee. House is vacant.		
Release the User Fee in the name of Lawrence, James Edward	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 01-51432 Bill # 6911	Total	\$123.00
Release user fee. House is vacant.		
Release the User Fee in the name of Lennon, James Walter	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 12-15380 Bill # 7291	Total	\$210.00
Release user fee. House vacant.		
Release the User Fee in the name of McCumbee, Gary Eugene	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 03-01948 Bill # 9666	Total	\$210.00

Release user fee. House vacant.

Release the User Fee	in the name of Nobles, Eula Mae Ward	Amount:	\$0.00
Value:	\$0.00 Year: 2009 Account # 13-30420 Bill # 3180	Total	\$210.00

Release user fee. House is vacant.

Release the User Fee	in the name of Powers, Margaret Ann	Amount:	\$0.00
Value:	\$0.00 Year: 2009 Account # 13-33347 Bill # 5780	Total	\$210.00

Release user fee. House vacant.

Release the User Fee	in the name of Ransom, Herbert	Amount:	\$0.00
Value:	\$0.00 Year: 2009 Account # 05-05442 Bill # 6558	Total	\$210.00

Release user fee. House vacant.

Release the User Fee	in the name of Tison, Diane Horne	Amount:	\$0.00
Value:	\$0.00 Year: 2009 Account # 12-27569 Bill # 4803	Total	\$210.00

Release user fee. House vacant.

Release the User Fee	in the name of Ward, Isaac Guy	Amount:	\$0.00
Value:	\$0.00 Year: 2009 Account # 03-26930 Bill # 6757	Total	\$210.00

Release user fee. House vacant.

Release the User Fee	in the name of Ward, Patty	Amount:	\$0.00
Value:	\$0.00 Year: 2009 Account # 16-16983 Bill # 6982	Total	\$210.00

Release user fee. House Vacant.

Release the User Fee	in the name of Webb, Joseph Marvin	Amount:	\$0.00
Value:	\$0.00 Year: 2009 Account # 08-03534 Bill # 7749	Total	\$210.00

Release user fee. House Vacant.

Release the User Fee	in the name of Williams, Marian Wells	Amount:	\$0.00
Value:	\$0.00 Year: 2009 Account # 10-18560 Bill # 8727	Total	\$123.00

Release user fee. House is vacant.

Agenda Item #17: COMMENTS:

Chairman Russ opened the floor for comments. The following spoke.

B. Board of Commissioners:

1. **Commissioner McKenzie:** stated the following:
 - a. Kip, there is a letter circulating out there where it provides a warranty to the water customers on their water line from the meter to the house for \$59.45 per year;
 - b. This letter is suppose to be from the County of Columbus and the City of Whiteville;
 - c. The customers have until February 19, 2010 to respond to this letter and they can charge this fee to their Mastercard or VISA credit cards;
 - d. I would like for you to check into this to see if it is a hoax. Kip McClary replied stating he would check into this matter.; **and**
 - e. I have received a letter from a person relative to a collapsed building in the Evergreen area, and they are stating that it is the county's responsibility, and I would like for this to be checked into.
2. **Commissioner Gore:** We got notice in the last few days that there is a penalty and a fine from DWQ in the amount of \$12,000 for a leachate spill at the closed landfill. When was the last inspection done? Do you have someone that checks this on a daily basis? How did this get by?

Kip McClary, Solid Waste Director replied stating the following:

- The last inspection was done on September 25, 2010;
- As the letter stated, this was a new outbreak;
- During the week of the inspection, I was attending water school in Raleigh;
- The Solid Waste Supervisor/Litter Enforcement Officer is assigned this task and he was out on medical leave, and we had a temporary employee from Telamon;

-They have been working on the south wall; **and**
This leachate spill occurred in the area where we are building a road around the berm.

3. **Vice Chairman Byrd:** stated the following:
- a. Can we appeal the fine for the leachate spill, and have you appealed this? Kip McClary replied stating yes, and he was working with Mike Stephens, County Attorney, to prepare the appeal;
 - b. I would like to address Jim Dossett, County Planner, - I know we do need to address the burned-out houses, the run-down abandoned houses in Columbus County;
 - c. I would like to know if this can be done as each situation arises; **and**
 - d. I do not think the County wants to get involved with housing minimum standards.

Mr. Dossett replied stating there were several ways to address this issue, and Mr. Clark, Ray Reaves, Building Inspections Director, and myself are meeting to discuss the available options.

4. **Chairman Russ:** stated the following:
- a. I attended a Department Head Meeting for the first time, and I was very impressed on the way the meeting was conducted;
 - b. I would like to challenge each of the Board members to visit the Emergency Services Center to see first hand the magnitude of their daily tasks; **and**
 - c. I also would like to challenge each Board member to ride in one of the Sheriff's patrol cars to see first hand what a big task and significant role they play in the protection of our citizens.

- C. **County Manager (William S. Clark):** stated the following:
- a. I would like for the Board to set a date and time for the Board Retreat. It was conducted on March 4th last year.

After a brief discussion was conducted, it was the general consensus of the Board to hold the Board Retreat on March 04, 2010, at Southeastern Community College, T-Building, at 9:30 A.M. until noon.

- b. There are many locations throughout the State that have scheduled the required Ethics Training. The most convenient, and free of charge, training will be held on April 15, 2010, at the Whiteville Depot, and each member has been registered.

RECESS REGULAR SESSION and enter into CLOSED SESSION in ACCORDANCE with N.C.G.G. § 143-318.11 (3) ATTORNEY-CLIENT PRIVILEGE and (6) PERSONNEL:

At 7:45 P.M., Commissioner McKenzie made a motion to recess Regular Session and enter into Closed Session in accordance with N.C.G.S. § 143-318.11 (3) Attorney-Client Privilege and (6) Personnel, after a five (5) minute recess, seconded by Vice Chairman Byrd. The motion unanimously passed.

Agenda Item #18: CLOSED SESSION in ACCORDANCE with N.C.G.S. § 143-318.11 (3) ATTORNEY-CLIENT PRIVILEGE and (6) PERSONNEL:

No official action was taken.

ADJOURN CLOSED SESSION and resume REGULAR SESSION:

At 8:16 P.M., Commissioner Prevatte made a motion to adjourn Closed Session and resume Regular Session, seconded by Commissioner Norris. The motion unanimously passed.

READING and APPROVAL of CLOSED SESSION GENERAL ACCOUNT:

Chairman Russ requested Mike Stephens, County Attorney, to orally read the Closed Session General Account. Mr. Stephens orally read the following:

Item #1: Mike Stephens, County Attorney, discussed the water issue with the Town of

Chadbourn;

*Item #2: The Board of Commissioners discussed the results of William S. Clark's, County Manager, Performance Evaluation with him; **and***

Item #3: Mr. Clark discussed a personnel issue with the Board of Commissioners.

Commissioner McKenzie made a motion to approve the Closed Session General Account, seconded by Vice Chairman Byrd. The motion unanimously passed.

Agenda Item #19: ADJOURNMENT:

At 8:19 P.M., Commissioner Prevatte made a motion to adjourn, seconded by Commissioner McKenzie. The motion unanimously passed.

APPROVED:

JUNE B. HALL, Clerk to Board

P. EDWIN RUSS, Chairman

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V
COMBINATION BOARD MEETING**

February 01, 2010

6:55 P.M.

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer Districts I, II, III, IV and V Board.

COMMISSIONERS PRESENT:

P. Edwin Russ, **Chairman**
Giles E. (Buddy) Byrd, **Vice Chairman**
Amon E. McKenzie
James E. Prevatte
Lynwood Norris
Ricky Bullard
Ronald Gore

APPOINTEES PRESENT:

William S. Clark, **County Manager**
Mike Stephens, **County Attorney**
June B. Hall, **Clerk to Board**
Bobbie Faircloth, **Finance Officer**

MEETING CALLED TO ORDER:

At 6:55 P.M., Chairman Russ called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

Agenda Item #14: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

January 19, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (**5 sets**)

Commissioner Norris made a motion to approve the January 19, 2010 Columbus County Water and Sewer District I Board Meeting Minutes, as recorded, seconded by Commissioner Prevatte. The motion unanimously passed.

Agenda Item #15: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of REVISED UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:

Kip McClary, Public Utilities Director, requested Board approval and adoption of the **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities. (**This will be the second reading.**) A workshop was conducted on January 11, 2010, and the first reading was held at the January 19, 2010 Board Meeting.

DISCUSSION:

Kip McClary: stated the following:

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1. This document is a result of the Columbus County Water Board Meeting and the workshop that was held on January 11, 2010; **and**
2. This document is presented for approval and it is the second reading.

Commissioner Prevatte: I would like to know if the Board can vote on each one of the three (3) areas of recommended revisions in lieu of voting for the entirety of the changes. Mike Stephens, County Attorney, replied stating yes.

MOTION:

Commissioner Prevatte made a motion to vote on each of the three (3) areas of the revisions to the Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, in lieu of voting for the revisions in their entirety, seconded by Commissioner Bullard.

A roll-call vote was taken with the following results:

AYES: Chairman Russ, Vice Chairman Byrd, Commissioners Prevatte, Norris Bullard and Gore; **and**
NAYS: Commissioner McKenzie.

The motion passes on a six (6) to one (1) vote.

Kip McClary: stated the following:

1. The first area of change is **Section 13. Adjustments of Overcharges, Paragraph (C)**, as follows:

(C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00. The customer's water bill for the preceding twelve months was \$25.00 for each month. The total bills combined for the preceding twelve month period was \$300.00. When you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. The customer will be responsible for the average, which is \$25.00. Sec Section 13 (C). The total adjustment made to this account would be \$75.00.

MOTION:

After discussion was conducted, Commissioner Prevatte made a motion to approve Section 13. Adjustments of Overcharges, Paragraph (C), as revised, seconded by Commissioner McKenzie.

A roll-call vote was taken with the following results:

AYES: Chairman Russ, Vice Chairman Byrd, Commissioners McKenzie, Prevatte, Norris

and Gore; **and**
NAYS: Commissioner Bullard.

The motion passes on a six (6) to one (1) vote.

2. The second area of change is we have added **Section 20.1 Procedures for Water Systems During Construction**, as follows:

Section 20.1 Procedures for Water Systems During Construction

- (A) During periods of water district construction approved by the Commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

See “Attachment B” for schedule of fees.

MOTION:

Commissioner Prevatte made a motion to approve Section 20.1 Procedures for Water Systems During Construction being added to the Uniform Rules for All Water districts and Retail Water Facilities Operated by Columbus County Public Utilities, seconded by Commissioner Bullard. The motion unanimously passed.

3. The third area of change is in **Section 26. Billing and Collecting, Paragraph (E)**, which reads as follows:
 - (E) Bills are due when rendered and become late 15 days from “Date Bill Mailed”. A late payment fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on “Due Date”. If bill is not paid within five (5) days of the due date, service may be discontinued by District, and a delinquent account penalty will be assessed. See Attachment B. The delinquent account penalty shall be waived only once per account in any twelve month period. If customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.

This is the change that has the potential to affect us the most. We have approximately one hundred twenty (120) accounts in the delinquent category every month. Forty (40) of these accounts are usually new customers who got caught in the late penalty. We have

approximately eighty (80) repeats in this category every month, but it is the forty (40) every month that we could be charging off, because typically those forty (40) that get caught for the first time, we don't have a problem with them again within the next twelve (12) months. If you calculate the forty (40) that could be charged off every month, and you charge off the thirty and 00/100 (\$30.00) dollars penalty, you could be losing one thousand, two hundred and 00/100 (\$1,200.00) dollars revenue every month.

Commissioner Prevatte: stated the following:

1. The verbiage of disconnect fee has been changed to delinquent account penalty;
2. There was no waiver of the fee previously; **and**
3. I am glad to see the verbiage changed.

Commissioner Gore: stated the following:

1. I would agree with this if it stated once in the history of the account;
2. This could result in the district losing revenue; **and**
3. It appears to me that we would be rewarding the eighty (80) customers who are repeats.

Commissioner McKenzie: stated the following:

1. My biggest concern is that the customers do not enough turn-around time to get their monthly bills paid on time; **and**
2. Some of our citizens, especially tho citizens who receive Social Security, do not receive their monthly checks early enough to meet the deadline that has been established.

Vice Chairman Byrd: I do not think that fifteen (15) days is adequate time for the bills to be received and paid.

Commissioner Bullard: Kip, did the Water Board recommend that this change be made? Mr. McClary replied stating the Water Board did not recommend that this change be made.

MOTION:

Commissioner Bullard made a motion to leave Section 26. Billing and Collecting, Paragraph (E), in the original version in the existing policy, seconded by Commissioner Gore.

SUBSTITUTE MOTION:

Commissioner McKenzie made a substitute motion that water bills go out the first of the month, go through the thirty (30) days of the month for the entire cycle, and if the bill is not paid by the 10th of the following month, they become delinquent, and the water will be cut off, seconded by Vice Chairman Byrd.

SUBSTITUTE MOTION:

Commissioner Prevatte made a substitute motion that the policy reads the bills will become delinquent by the end of the month and service will be disconnected on the 1st day of the following month, with a change in verbiage to read delinquent penalty and no waiver.

The motion dies for a lack of a second.

A roll-call vote was taken on the first substitute motion with the following results:

AYES: Vice Chairman Byrd, Commissioners McKenzie and Norris; **and**
NAYS: Chairman Russ, Commissioners Prevatte, Bullard and Gore.

The Substitute Motion fails on a four (4) to three (3) vote.

ORIGINAL MOTION:

A roll-call vote was taken on the Original Motion with the following results:

AYES: Chairman Russ, Commissioners Prevatte, Bullard and Gore; **and**
NAYS: Vice Chairman Byrd, Commissioners McKenzie and Norris.

The original motion passes on a four (4) to three (3) vote.

MOTION (for Entire Policy):

Commissioner Prevatte made a motion to approve and accept the referenced sections, with the noted changes, in the Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, as follows, seconded by Commissioner Bullard.

A roll-call vote was taken with the following results:

AYES: Chairman Russ, Commissioners Prevatte, Norris, Bullard and Gore; **and**
NAYS: Vice Chairman Byrd and Commissioner McKenzie.

The motion passes on a five (5) to two (2) vote.

Commissioner Bullard asked Kip McClary, Public Utilities Director, how many miles of water line were located in each of the water districts, and how many active customers in each water district. Mr. McClary replied stating that he would estimate that there were fifty (50) miles, give or take, in each district, and he did not have the numbers with him of the active customers in each water district.

Columbus County Public Utilities Department

Uniform Rules for All Water Districts and Retail Water Facilities
Operated by Columbus County Public Utilities

Rules Regulating the Use of Water for Facilities Operated by Columbus County and Establishing Fees and Other Charges and Providing for Collection of the Same.

Now, therefore, be it ordained by the Water District Board as follows:

Section 1. Introduction

The Public Utilities Department was created by the Water District Board and has been given the responsibility for operating, maintaining, and expanding the District's water systems. The District Board and the Water Advisory Committee (advisory board to the Board of Commissioners) are committed to making the Public Utilities Department a self-sustaining department within the County's governmental structure through rates and other fees.

In addition to the policies herein, the District has established many standards and specifications for utility design, construction, and operation, prepared by the Public Utilities Department. This handbook will describe these policies, standards, and specifications as related to public water utilities.

It shall be the philosophy and the intent of the District to provide potable water to all those citizens of the District where it is deemed economically feasible and structurally practical.

Section 2. Policy Administration/Authority

Staff administration of said policy shall be the responsibility of the County Manager, or his designee shall direct the expansion of the Public Utilities Department upon the directions and guidance of the Water District Board, and from time to time as necessity requires, make decisions developing the operations of the District's water systems and shall have the authority to make decisions necessary to ensure that the expansion and upgrade of the District's utility infrastructure is consistent with policy and philosophy. These rules and regulations are adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of providing adequate and reasonable rules and regulations to protect and regulate special County service district(s); water supply; and distribution systems in Columbus County. These rules and regulations are also adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of establishing a schedule of rates, fees, charges, and penalties for the use of, and services furnished by special County service district water supply and distribution systems in Columbus County.

Section 3. Definitions

Agent is the legal representative of a corporation or partnership that holds title to property served by the district.

Board of Commissioners is the duly elected governing body of Columbus County.

Building is a structure as defined in the North Carolina Building Code.

Commodity Charge is the unit fee for water supplied through a service meter that is normally presented as cost per one thousand gallons.

Connections are that part of the water service line that runs from the main to the property line, including all appurtenances, to make the service complete and ready to use.

Controlled by is owned, operated, or leased by.

County is Columbus.

Customer is the person legally or equitably responsible for the payment of charges for water services on any premises.

District is the one of the statutory established water service areas in the County and its designated agents.

Easement shall mean an acquired legal right for the specific use of land owned by others.

Improved Street is any street having a wearing surface or concrete, brick, stone block, asphalt, or any bituminous compound.

Lateral is that portion of the water connection which does not include meter, box, or meter setter of connection.

Main is the water pipe usually laid in a road or a street right-of-way running parallel to the property line that distributes water.

May is permissive (see “shall”).

Occupant is the customer who is actually in possession or control of any premises.

Owner is the person having legal or equitable title to any premises.

Person is an individual, firm, association, partnership, or corporation.

Premise is land, building, or other structure and appurtenances thereto.

Service Line is a water line that may service a house, business, apartments, etc. that runs from the street to the establishment being served. Service line may also be called “lateral”.

Shall is mandatory (see “may”).

Unusual Conditions is to mean delays in acquiring materials, parts, and (or) supplies, rock encountered in construction, usually severe weather, and other items or circumstances which might cause delays not under the control of the District.

Section 4. Water Laterals and Tap-On

Water laterals will be installed only at the request of the Owner or his agent. When the lateral terminates at the property line, the meter shall not be set and the lateral shall not be used until the owner of the property or his agent applies for service.

Section 5. Connections To Be Made By District Only Upon Application

The construction of water laterals within the street right-of-way and the setting of meters shall be the responsibility of the District. The construction of such lateral or the setting of such meter shall be done only after written application therefore has been approved. The only exceptions to this provision will be when a developer’s contractor in new subdivisions installs laterals and meter yokes

or commercial developments in compliance with this Document as shall be established by the District from time to time, and for initial water district(s) system construction.

Section 6. Application for Connection

Every application for water service shall list, on forms provided by the District, the property owner, the applicant's name, the street on which the lot is located, the number of the house or a description of the lot location (including PIN). This application shall be filed not less than ten (10) working days before the proposed connection is desired. Upon receipt of the application, the tap will be scheduled at the earliest possible date. Unusual conditions may be just cause for additional time in providing the service required. When the size of the service and the cost of the connection have been determined, the applicant shall deposit the previously determined cost and shall be issued a permit for the desired connection.

Section 7. Disapproval of Applicant

If, in the opinion of the District through the Water Advisory Committee, the water connection applied for will be such character as to put too great a demand on any part of the system and disrupt the District's ordinary water service requirements (30 psi system residual pressure under peak domestic flow conditions or 20 psi system residual pressure under fire flow conditions), it shall disapprove the application until such time as adequate means are provided to eliminate the unsatisfactory condition in the District's water service, the District shall require the customer to adopt remedial measures to eliminate the unsatisfactory condition. The District shall not in any way be responsible for any cost or inconvenience, in any matter, caused by a change in service requirements after an application has been approved, or by an installation before the application has been approved.

Section 8. Separate Water Connections and Meters Required

Each building shall have a separate meter, and where practicable, shall have a separate water lateral. In the event that one lateral is used for two (2) dwellings, commercial or industrial buildings, or used to serve two or more meters for the same dwelling, commercial or industrial buildings, a separate cut-off shall be provided for each meter.

However, there shall be an exception to the requirement for separate water meters in the case of groups of mobile homes or apartment developments under single ownership. In the case of said groups of mobile homes or apartment developments of more than ten (10) units, one (1) meter may be used for the entire project unless additional meters are requested by the property owner or deemed necessary by the proper District authority, and the following conditions shall be met:

- (A) All bills will be rendered to the Owner of the property.
- (B) The bill will be calculated by a minimum charge for the master meter, which shall be based on the number of units served times the minimum charge per standard ¾ inch meter. The remaining bill shall be based on the total consumption passing through the master meter times the unit commodity charge.
- (C) Should any portion of the development be sold, the owners shall be responsible for paying

whatever additional costs would be involved in bringing the divided development into compliance.

- (D) Cost of service shall be included in the rent/lease of each unit, and no individual meters shall be allowed.

In the case of group mobile homes or apartment developments where ten (10) or fewer units are involved, and where ownership is in one party, the owner may elect to have a single meter used for the entire project. Where such election is made the owner shall comply with the conditions set forth as (A), (B), (C), and (D) above.

Section 9. Connections and Meters to Remain Property of the District

All meters, boxes, vaults, pipes, and other equipment and appurtenances furnished and installed by the District in a water connection shall remain the property of the District. If, after an installation is completed, the property owner requests that a meter or lateral be changed in size and this request is approved by the District, the property owner shall pay for the change of lateral as though it were a new connection. Owner shall pay or be refunded the difference of the cost of meters in the original and new installations according to the then current price of the two meters.

Section 10. Maintenance of Meters and Connections

All meters and water laterals shall be maintained by the District at the District's expense.

Section 11. Connection to Other Than Water District Supply

No part of the District's water system shall be connected to any source of water supply other than those authorized by official action of the Water District Board. If, on any premises, both the District's water and water from any other source are used, the piping shall be completely separate.

Section 12. When Water Meters Read

All water meters or water systems controlled by the service district(s) shall be read monthly.

Section 13. Adjustments of Overcharges

The District shall have the authority to adjust any water bill after determining that the water bill is excessive, upon the approval of the appropriate Water Authority, under the following conditions:

- (A) If the cause is a defect in a water meter, the water bill shall be the average for the previous six months.
- (B) All metered water lost due to negligence on the part of the user will be charged at the normal rate, and no adjustment of the bill shall be made.
- (C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00.

The customer's water bill for the preceding twelve months was \$25.00 for each month. When you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. The customer will be responsible for the average which is \$25.00. See Section 13 (C). The total adjustment made to this account would be \$75.00

Section 14. Meter Tests

Any customer may have their meter tested upon payment of a \$25.00 fee. No more than two (2) meter tests shall be conducted within any twelve (12) month period for a given service installation. See Section 29 (B).

Section 15. Water for Temporary Purposes

Portable meters for connection to fire hydrants may be furnished by the District provided an application is filed with, and a deposit paid to the District. The actual deposit shall be as determined by the District. In no case shall the deposit exceed the cost of the meter, materials and installation cost thereof. The applicant shall be responsible for any damage to the hydrant, meter, connections, etc., used in the installation. The cost of any such damage shall be taken from the deposit. A service charge equal to the minimum monthly water bill rate for each month or part thereof shall be made for a temporary meter in addition to the cost of the water used through such meter at a rate of two (2) times the normal unit commodity charge. After deducting the water bill, service charge, and any cost of damage to the installation, the District shall refund the balance of the deposit to the applicant as soon as the meter is removed and returned to the District's stock. While in use, no wrench shall be used on the hydrant except a hydrant wrench that is furnished by the District. If scarred by unauthorized methods, the cost of equipment and/or appurtenances and labor to repair it shall be charged to the person or entity responsible for the damage. Should the water bill, service charge, and cost of damage exceed the deposit, the user shall pay the amount of such excess to the District.

Section 16. Tampering with Meters and Cutoffs

No person, except a duly authorized employee of the District, shall turn the cutoff installed in each meter box nor shall any person construct or have constructed any bypass around any meter except as may be installed and sealed by the District. The fact that water is cut on to any premises by an occupant thereof without the prior knowledge of either the District or the owner shall not relieve such premises of liability for such unauthorized use of water. Tampering will result in a fine determined by the North Carolina State Statute Ch. 14-151-1.

Section 17. No Guarantee of Quality. Quantity of Pressure of Water Supply Notice to be Given when Water is to be Cut Off.

The District does not guarantee the quality, quantity, flow rate, or pressure of its water supply. It is hereby made a portion of the terms on which the District furnishes water to customer that the District in no case shall be liable to any customer for any defect in quality or any deficiency in quantity, flow rate, or pressure; that the District shall not be liable to any customer for damages resulting from the complete or partial cutting off of water; and no deduction shall be made from any water bill by reason of any such defect or deficiency. Reasonable notice shall be given when the water is to be cut-off from any portion of a water system controlled by the District. No District employee shall be responsible for telling a property owner or occupant how best to care for his

boiler, water heater, or other equipment, which is affected by the discontinuance, either temporary or permanent, of his water supply. The owner or occupant shall be entirely responsible for his equipment and shall hold the District in no way responsible for damage thereof.

Section 18. Protection of Water Supply

No person shall contaminate any portion of the District's water supply whether the same is in a reservoir, tank, or pipe.

Section 19. Repealing Clause

If any section, paragraph, subdivision, clause, or provision of these rules and regulations shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these rules and regulations shall be deemed valid and effective.

Section 20. Procedures

- (A) Service will be supplied only to those who apply.
- (B) Users will make application for service, in person, with valid photo identification, at the office of the designated District Department, and at the same time make the deposit guarantee required hereafter.
- (C) The District may reject any application for services not available under a standard rate or that involves excessive service cost, or which may affect the supply of service to other customers, or for other good and sufficient reasons.
- (D) The District may reject any application for service when the applicant is delinquent in any payment of any bills incurred for service or connection fees previously supplied at any location. When the Owner of the premises has been served water and has not paid for the same, the District shall not be required to render services to anyone at said location where the water was used until said water bill has been paid.
- (E) All users will make a cash deposit in the amount determined by the District. Deposits shall not draw interest for user and/or owner. All users who qualify as mobile home parks or multi-family shall make a deposit equal to the number of unit's times the deposit the amount for a single residential service.
- (F) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.
- (G) A separate deposit is required for each meter and/or service connection requested.
- (H) The deposit required by this document or part remaining thereof will be refunded upon payment of final bill and final accounting.

Section 20.1 Procedures for water Systems During Construction

- (A) During periods of water district construction approved by the Commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

See “Attachment B” for schedule of fees.

Section 21. Initial or Minimum Charge

The initial or minimum charge, as provided in the rate schedule, shall be made for each service meter installed, regardless of location. See Attachment “A”. Thirty (30) days after water service has been installed, all users shall be billed at the minimum monthly charge.

Section 22. District’s Responsibility and Liability

- (A) The District shall run a service or lateral line from its distribution main to the property line where the distribution main runs immediately adjacent to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.
- (B) The District may install a meter within the North Carolina Department of Transportation Encroachment line or at the District’s option, on the customer’s property in a location mutually agreed upon. For meter installations on customer’s property, an easement for the service line and meter installation may be granted to the District.
- (C) When two (2) or more meters are to be installed on the same premises for different customers, they shall be closely grouped as reasonably possible and each clearly designated to which customer it applies.
- (D) The District Utilities Department does not assume responsibility for inspecting the customer’s plumbing, piping, or water conveyance and use appurtenances.
- (E) The District reserves the right to refuse service unless the customer’s lines or piping are installed in such a manner as to prevent cross-connections or backflow.
- (F) The District shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the customer’s premises, unless such damage results directly from gross negligence on the part of the District. The District shall not be responsible for any damage

done by, or resulting from any defect in the piping, fixtures, or appliances on the customer's premises. The District shall not be responsible for any negligence of third persons or forces beyond the control of the District resulting in an interruption of service.

- (G) Under normal conditions, the customer will be notified of any anticipated interruptions of service.

Section 23. Customer's Responsibility

- (A) Piping on the customer's premises must be so arranged that the connections are in a convenient location with respect to the District's lines or mains.
- (B) If the customer's piping on customer's premises is so arranged that the District is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- (C) Where a meter is placed on premises of a customer, a suitable place shall be provided by the customer for placing such meter, unobstructed and accessible at all times to the meter reader. An easement for the service line and the meter shall be granted to the District.
- (D) The customer shall furnish and maintain the service line on the customer's side of the meter. The District to provide same service on the District's side of such meter.
- (E) The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense in a safe and efficient manner; in accordance with the District's rules, regulations, and ordinances, and in full compliance with the North Carolina Building Code and the sanitary regulations of the North Carolina Division of Environmental Health.
- (F) The customer shall reasonably guarantee proper protection for all property controlled by the District and placed on the customer's premises by the District or any predecessor in interest to the District and shall permit to it only by authorized representatives of the District.
- (G) In the event that any loss or damage to such property or any accident or injury to persons or property is caused by or results from negligence or wrongful act of the customer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the District and any liability otherwise resulting shall be assumed by the customer.
- (H) The amount if such loss or damage or the cost of repairs shall be added to the customer's bill, and if not paid, service may be discontinued by the District.

Section 24. Access to Premises

Duly authorized agents of the District shall have access during all reasonable hours to the premises of the customer for the purpose of installing or removing property controlled by the District, inspecting piping, reading or testing meters, or for any other purpose in connection with the District's services and facilities.

Section 25. Change of Occupancy

- (A) Not less than three days notice must be given in person or not less than five days in writing, if mailed, to discontinue service for a change in occupancy. Such notice shall be given at the District office, which has responsibility for management of service accounts.
- (B) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.

Section 26. Billing and Collecting

- (A) Meters will be read and bills rendered as follows:
 - 1. Meters will be read once a month, and billing will be accomplished once per month.
 - 2. The District reserves the right to vary the date of meter readings and billing or length of period for billing temporarily or permanently if necessary or desirable.
- (B) Bills for water will be calculated in accordance with the District's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter reading.
- (C) Charge for service shall commence when service is installed, and water distribution main is tested and accepted. The first billing may be sixty (60) days from the installation. The exception to this provision is for owner or developer constructed water facilities including services, and in this case charge for service shall commence when an application is made a meter is set.
- (D) Reading for different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different customers, or for the same of different services.
- (E) Bills are due when rendered and become delinquent 15 days from "Date Bill Mailed". A delinquent fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on "Due Date". If bill is not paid within five (5) days of the due date, service may be discontinued by District, and if customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.
- (F) Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the customer from payment.
- (G) If a check is returned for insufficient funds on a disconnection/reconnection for nonpayment on account, the service will be cut off immediately and meter removed. If a check is returned for insufficient funds on a reconnection with a deposit, the service will be cut off immediately and meter removed. When a check is returned for insufficient funds on an active account, the District will notify the customer by phone or letter of this transaction, requesting immediate payment of the check and a \$25.00 service charge. If the cash payment is not received within a month, the service will be disconnected during the next billing cycle and the meter is removed.

- (H) If the check is returned for Non-Sufficient Funds or Closed Account, the District may pursue any legal options available.

Section 27. Suspension of Service

- (A) Upon discontinuance of service for non-payment of bills, the District may proceed to collect the balance as provided by law for the collection of debts.
- (B) A service discontinued for non-payment of bills will be restored only after bills are paid in full, and a service charge determined by the District is paid for each meter reconnected. In addition, a \$30.00 service charge is applicable when meter is reconnected as a result of voluntary disconnection requested by the property owner. The District may, from time to time, increase this service charge. Request for restoration of service will be honored on the day requested provided the payment is made by 5:00 P.M.; otherwise, the restoration of service will be made the next workday. There will be no reconnections after 5:00 P.M.
- (C) A penalty of \$50.00 will be charged if the seal is broken on any locked meter and water is used. However, a penalty of twice the first amount will be charges for the second and all subsequent occurrences. The penalty must be paid in full before any reconnections to the water system are made.
- (D) After a connection has been discontinued for a period of twelve (12) consecutive months, the District may remove the meter base, meter, curb stop valve, meter box, and service line for use elsewhere.
- (E) At any time after the meter base, meter, curb stop valve, and meter box have been removed in addition to the service charge set forth in subsection © above, and additional service charge equal to the then tap-on fee shall be paid as a reconnection fee. In addition, the customer must make the required deposit.
- (F) The District reserves the right to discontinue its service without notice for the following additional reasons, but not exclusively:
1. To prevent fraud or abuse.
 2. Emergency repairs.
 3. Insufficiency of supply due to circumstances beyond the District's control.
 4. Legal processes.
 5. Direction of public authorities.
 6. Strike, riot, fire, flood, accident, or any unavoidable cause.
 7. Customer's negligence
 8. Acts of God.

- (G) The District may, in addition to prosecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device.

Section 28. Termination Clause

A customer can disconnect from the system after paying the cost of the tap into the account. The customer may pay a disconnect fee of \$25.00 to have the meter removed if the meter is replaced the customer could at that time pay a reconnect fee of \$25.00. The disconnect by the Department will be within a reasonable time after the customer’s request.

Section 29. Complaints – Adjustments

- (A) If the customer believes his bill to be in error, he shall present his claim, in person, at the District Office managing the water accounts before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The customer may pay such bill under protest, and said payment shall not prejudice his claim.
- (B) The District will make special meter readings at the request of the customer for a \$25.00 fee provided; however, that if such special reading discloses that the meter was over read; or in error in any way, the fee will be refunded. See Section 14.
- (C) The Order of the Appeals Process is as follows:
 - 1. Office Manager
 - 2. Water Advisory Board
 - 3. Utilities Director
 - 4. Water Advisory Board

Each person or persons will have thirty (30) days in which to review the complaint. The Water Advisory Board meets quarterly, in which the complaint will be heard within a reasonable time after complaint if filed pursuant to stipulations of this document.

- (D) No modifications of rates or the rules and regulations shall be made by any employee of the District as it relates to (A), (B), and © above.

Section 30. Classifications, Rates, Fees, and Charges - See Attachment “A”

The following classifications, rates, fees, assessments, and charges are adopted:

- (A) Classification of Service

All services are classified under two (2) categories to include residential or commercial users. A residential service is a service requiring a meter size up to and including one (1) inch. All other services shall be classified commercial.

- (B) Rate Schedule

- 1. Residential:

Rates will be established and approved from time to time by the Water District Board.

2. Commercial:

Rates will be established and approved from time to time by the Water District Board.

(C) Tap-On Fees

1. Tap-On Fee:

A discounted tap-on fee may be offered to a residence located within the district during the time of formation or additions, per Attachment B, as approved by the Board of Commissioners. This discounted tap fee will be available to all customers up and until the time the final inspection is performed. After this point, the tap-on fee will revert to the District's Fee schedule and will be subject to all other applicable fees present in this section.

2. See Columbus County Utilities Water Service Schedule. See Attachment "A".

3. See Columbus County Water Service Fee Schedule. See Attachment "A".

(D) Application Fee, Deposit, Late Payment Fee, **Delinquent Account Penalty**, Reconnection Fee, Returned Check Fee, Meter Testing Fee, and Meter Tampering Fee.

See Attachment "B".

Section 31. Water System Extensions by Private Entities

(A) Private entities, including individuals, residential and commercial developers, businesses, and industries may construct extensions to the District system.

(B) Procedures for preparation and approval of plans and specifications shall conform to the Columbus County Water Policies.

(C) Materials and methods for construction of water system extensions shall conform to the Columbus County Water Distribution Standards.

(D) Reimbursement and cost sharing/participation shall comply with the Columbus County Water Policies.

Section 32. Inclusive Terms

Use of the masculine herein shall include the feminine and neuter and the singular shall include the plural.

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Section 33. Governing Law

All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina.

Section 34. Notice

All notice required hereunder to be sent to the District shall be sent to the following designated address, or to such other address or addresses as may hereafter be designed by written notice of such change of address.

To County:
Columbus County Public Utilities Department
612 North Madison Street
Whiteville, N.C. 28472

Section 35. Nondiscrimination

District will take affirmative action not to discriminate against any applicant or otherwise illegally deny any person participation in or the benefits of the activities which are the subject of this document, because of race, creed, color, sex, age, disability, or national origin.

Effective Date: February 02, 2010

APPROVED and ADOPTED this 1st day of February, 2010.

Signature: /s/ **P. EDWIN RUSS**, Chairman
Columbus County Board of Commissioners

Attest By: **JUNE B. HALL**
Clerk to the Board

“Attachment A”

Water Rate Schedule

District I

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District II

1 st 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

District III

1 st 2,000 Gallons	\$25.00
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Every 1,000 Gallons Thereafter	\$ 4.00
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District IV

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District V

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00
Prison	
Every 1,000 Gallons	\$ 6.00

Guideway School

1 st 2,000 Gallons	\$22.00
Every 1,000 Gallons Thereafter	\$ 4.00

*******THIS WATER FEE SCHEDULE IS CURRENT AS OF MARCH 2007. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY*******

“Attachment B”**Application Fee**

	<u>During Construction</u>	<u>After Construction</u>
¾ Inch Meter	\$ 100.00	\$ 500.00
1 Inch Meter	\$ 450.00	\$ 750.00
2 Inch Meter	\$ 700.00	\$1,000.00

Security Deposit

Per Account	\$ 50.00
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Late Payment Fee

After Due Date	\$ 5.00
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Delinquent Account Penalty

Per Account	\$ 30.00
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Reconnection Fee

Per Account	\$ 30.00
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Return Check Fee

Per Check	\$ 25.00
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Meter Testing Fee

Per Meter	\$ 25.00
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Meter Tampering Fee

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, or both fined and imprisoned, in the discretion of the court. See Section 14-151.1 © of the North Carolina General Statute.

14-151.1**CH.14 Criminal Law****14-151.1****14-151-.1 Interfering with electric, gas or water meters; prima facie evidence of intent to alter, tamper with or bypass electric, gas or water meters; unlawful reconnection of electricity, gas or water; civil liability.**

(A) It shall be unlawful for any unauthorized person to alter, tamper with or bypass a meter which has been installed for the purpose of measuring the use of electricity, gas or water or knowingly to use electricity, gas or water passing through any such tampered meter or use electricity, gas or water bypassing a meter provided by an electric, gas or water supplier for the purpose of measuring and registering the quantity or electricity, gas or water consumed.

(B) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the electricity, gas or water consumed or which would cause the electricity, gas or water to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this diction by the person in whose name such meter is installed or the person or persons so using or receiving the benefits of such unmeasured, unregistered or diverted electricity, gas or water.

(B1) It is unlawful for any unauthorized person to reconnect electricity, gas or water connections or otherwise turn back on one or more to those utilities when they have been lawfully disconnected or turned off by the provider of the utility.

(B2) It is unlawful for any unauthorized person to alter, bypass, interfere with or cut off any load management device, equipment, or system which has been installed by the electricity supplier for the purpose of limiting the use of electricity at peak-load periods, provide, however, if there has been a written request to remove the load management device, equipment, or system to the electric supplier and the electric supplier has not removed the device within two working days, there shall be no violation of this section.

(C) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, in the discretion of the court.

(C1) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a Class 1 Misdemeanor.

(D) Whoever is found in a civil action to have violated any provision hereof shall be liable to the electric, gas or water supplier in triple the amount of losses and damages sustained or five hundred dollars (\$500.00), whichever is greater.

(E) Nothing in this section shall be constructed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards. (1977, c.735, s.1, -1983, c.508, ss.1, 2; 1989, c.119; 1983, c.539, s.89.)

ADJOURNMENT:

At 7:30 P.M., Commissioner Prevatte made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously passed.

APPROVED:

JUNE B. HALL, Clerk to Board

P. EDWIN RUSS, Chairman

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V
COMBINATION BOARD MEETING**

February 01, 2010

6:55 P.M.

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer Districts I, II, III, IV and V Board.

COMMISSIONERS PRESENT:

P. Edwin Russ, **Chairman**
Giles E. (Buddy) Byrd, **Vice Chairman**
Amon E. McKenzie
James E. Prevatte
Lynwood Norris
Ricky Bullard
Ronald Gore

APPOINTEES PRESENT:

William S. Clark, **County Manager**
Mike Stephens, **County Attorney**
June B. Hall, **Clerk to Board**
Bobbie Faircloth, **Finance Officer**

MEETING CALLED TO ORDER:

At 6:55 P.M., Chairman Russ called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

Agenda Item #14: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

January 19, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (5 sets)

Commissioner Norris made a motion to approve the January 19, 2010 Columbus County Water and Sewer District II Board Meeting Minutes, as recorded, seconded by Commissioner Prevatte. The motion unanimously passed.

Agenda Item #15: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of REVISED UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:

Kip McClary, Public Utilities Director, requested Board approval and adoption of the **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities. **(This will be the second reading.)** A workshop was conducted on January 11, 2010, and the first reading was held at the January 19, 2010 Board Meeting.

DISCUSSION:

Kip McClary: stated the following:

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1. This document is a result of the Columbus County Water Board Meeting and the workshop that was held on January 11, 2010; **and**
2. This document is presented for approval and it is the second reading.

Commissioner Prevatte: I would like to know if the Board can vote on each one of the three (3) areas of recommended revisions in lieu of voting for the entirety of the changes. Mike Stephens, County Attorney, replied stating yes.

MOTION:

Commissioner Prevatte made a motion to vote on each of the three (3) areas of the revisions to the Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, in lieu of voting for the revisions in their entirety, seconded by Commissioner Bullard.

A roll-call vote was taken with the following results:

AYES: Chairman Russ, Vice Chairman Byrd, Commissioners Prevatte, Norris Bullard and Gore; **and**
NAYS: Commissioner McKenzie.

The motion passes on a six (6) to one (1) vote.

Kip McClary: stated the following:

1. The first area of change is **Section 13. Adjustments of Overcharges, Paragraph (C)**, as follows:

(C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00. The customer's water bill for the preceding twelve months was \$25.00 for each month. The total bills combined for the preceding twelve month period was \$300.00. When you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. The customer will be responsible for the average, which is \$25.00. Sec Section 13 (C). The total adjustment made to this account would be \$75.00.

MOTION:

After discussion was conducted, Commissioner Prevatte made a motion to approve Section 13. Adjustments of Overcharges, Paragraph (C), as revised, seconded by Commissioner McKenzie.

A roll-call vote was taken with the following results:

AYES: Chairman Russ, Vice Chairman Byrd, Commissioners McKenzie, Prevatte, Norris

and Gore; **and**
NAYS: Commissioner Bullard.

The motion passes on a six (6) to one (1) vote.

2. The second area of change is we have added **Section 20.1 Procedures for Water Systems During Construction**, as follows:

Section 20.1 Procedures for Water Systems During Construction

- (A) During periods of water district construction approved by the Commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

See “Attachment B” for schedule of fees.

MOTION:

Commissioner Prevatte made a motion to approve Section 20.1 Procedures for Water Systems During Construction being added to the Uniform Rules for All Water districts and Retail Water Facilities Operated by Columbus County Public Utilities, seconded by Commissioner Bullard. The motion unanimously passed.

3. The third area of change is in **Section 26. Billing and Collecting, Paragraph (E)**, which reads as follows:
 - (E) Bills are due when rendered and become late 15 days from “Date Bill Mailed”. A late payment fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on “Due Date”. If bill is not paid within five (5) days of the due date, service may be discontinued by District, and a delinquent account penalty will be assessed. See Attachment B. The delinquent account penalty shall be waived only once per account in any twelve month period. If customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.

This is the change that has the potential to affect us the most. We have approximately one hundred twenty (120) accounts in the delinquent category every month. Forty (40) of these accounts are usually new customers who got caught in the late penalty. We have

approximately eighty (80) repeats in this category every month, but it is the forty (40) every month that we could be charging off, because typically those forty (40) that get caught for the first time, we don't have a problem with them again within the next twelve (12) months. If you calculate the forty (40) that could be charged off every month, and you charge off the thirty and 00/100 (\$30.00) dollars penalty, you could be losing one thousand, two hundred and 00/100 (\$1,200.00) dollars revenue every month.

Commissioner Prevatte: stated the following:

1. The verbiage of disconnect fee has been changed to delinquent account penalty;
2. There was no waiver of the fee previously; **and**
3. I am glad to see the verbiage changed.

Commissioner Gore: stated the following:

1. I would agree with this if it stated once in the history of the account;
2. This could result in the district losing revenue; **and**
3. It appears to me that we would be rewarding the eighty (80) customers who are repeats.

Commissioner McKenzie: stated the following:

1. My biggest concern is that the customers do not enough turn-around time to get their monthly bills paid on time; **and**
2. Some of our citizens, especially tho citizens who receive Social Security, do not receive their monthly checks early enough to meet the deadline that has been established.

Vice Chairman Byrd: I do not think that fifteen (15) days is adequate time for the bills to be received and paid.

Commissioner Bullard: Kip, did the Water Board recommend that this change be made? Mr. McClary replied stating the Water Board did not recommend that this change be made.

MOTION:

Commissioner Bullard made a motion to leave Section 26. Billing and Collecting, Paragraph (E), in the original version in the existing policy, seconded by Commissioner Gore.

SUBSTITUTE MOTION:

Commissioner McKenzie made a substitute motion that water bills go out the first of the month, go through the thirty (30) days of the month for the entire cycle, and if the bill is not paid by the 10th of the following month, they become delinquent, and the water will be cut off, seconded by Vice Chairman Byrd.

SUBSTITUTE MOTION:

Commissioner Prevatte made a substitute motion that the policy reads the bills will become delinquent by the end of the month and service will be disconnected on the 1st day of the following month, with a change in verbiage to read delinquent penalty and no waiver.

The motion dies for a lack of a second.

A roll-call vote was taken on the first substitute motion with the following results:

AYES: Vice Chairman Byrd, Commissioners McKenzie and Norris; **and**
NAYS: Chairman Russ, Commissioners Prevatte, Bullard and Gore.

The Substitute Motion fails on a four (4) to three (3) vote.

ORIGINAL MOTION:

A roll-call vote was taken on the Original Motion with the following results:

AYES: Chairman Russ, Commissioners Prevatte, Bullard and Gore; **and**
NAYS: Vice Chairman Byrd, Commissioners McKenzie and Norris.

The original motion passes on a four (4) to three (3) vote.

MOTION (for Entire Policy):

Commissioner Prevatte made a motion to approve and accept the referenced sections, with the noted changes, in the Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, as follows, seconded by Commissioner Bullard.

A roll-call vote was taken with the following results:

AYES: Chairman Russ, Commissioners Prevatte, Norris, Bullard and Gore; **and**
NAYS: Vice Chairman Byrd and Commissioner McKenzie.

The motion passes on a five (5) to two (2) vote.

Commissioner Bullard asked Kip McClary, Public Utilities Director, how many miles of water line were located in each of the water districts, and how many active customers in each water district. Mr. McClary replied stating that he would estimate that there were fifty (50) miles, give or take, in each district, and he did not have the numbers with him of the active customers in each water district.

Columbus County Public Utilities Department

Uniform Rules for All Water Districts and Retail Water Facilities
Operated by Columbus County Public Utilities

Rules Regulating the Use of Water for Facilities Operated by Columbus County and Establishing Fees and Other Charges and Providing for Collection of the Same.

Now, therefore, be it ordained by the Water District Board as follows:

Section 1. Introduction

The Public Utilities Department was created by the Water District Board and has been given the responsibility for operating, maintaining, and expanding the District's water systems. The District Board and the Water Advisory Committee (advisory board to the Board of Commissioners) are committed to making the Public Utilities Department a self-sustaining department within the County's governmental structure through rates and other fees.

In addition to the policies herein, the District has established many standards and specifications for utility design, construction, and operation, prepared by the Public Utilities Department. This handbook will describe these policies, standards, and specifications as related to public water utilities.

It shall be the philosophy and the intent of the District to provide potable water to all those citizens of the District where it is deemed economically feasible and structurally practical.

Section 2. Policy Administration/Authority

Staff administration of said policy shall be the responsibility of the County Manager, or his designee shall direct the expansion of the Public Utilities Department upon the directions and guidance of the Water District Board, and from time to time as necessity requires, make decisions developing the operations of the District's water systems and shall have the authority to make decisions necessary to ensure that the expansion and upgrade of the District's utility infrastructure is consistent with policy and philosophy. These rules and regulations are adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of providing adequate and reasonable rules and regulations to protect and regulate special County service district(s); water supply; and distribution systems in Columbus County. These rules and regulations are also adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of establishing a schedule of rates, fees, charges, and penalties for the use of, and services furnished by special County service district water supply and distribution systems in Columbus County.

Section 3. Definitions

Agent is the legal representative of a corporation or partnership that holds title to property served by the district.

Board of Commissioners is the duly elected governing body of Columbus County.

Building is a structure as defined in the North Carolina Building Code.

Commodity Charge is the unit fee for water supplied through a service meter that is normally presented as cost per one thousand gallons.

Connections are that part of the water service line that runs from the main to the property line, including all appurtenances, to make the service complete and ready to use.

Controlled by is owned, operated, or leased by.

County is Columbus.

Customer is the person legally or equitably responsible for the payment of charges for water services on any premises.

District is the one of the statutory established water service areas in the County and its designated agents.

Easement shall mean an acquired legal right for the specific use of land owned by others.

Improved Street is any street having a wearing surface or concrete, brick, stone block, asphalt, or any bituminous compound.

Lateral is that portion of the water connection which does not include meter, box, or meter setter of connection.

Main is the water pipe usually laid in a road or a street right-of-way running parallel to the property line that distributes water.

May is permissive (see “shall”).

Occupant is the customer who is actually in possession or control of any premises.

Owner is the person having legal or equitable title to any premises.

Person is an individual, firm, association, partnership, or corporation.

Premise is land, building, or other structure and appurtenances thereto.

Service Line is a water line that may service a house, business, apartments, etc. that runs from the street to the establishment being served. Service line may also be called “lateral”.

Shall is mandatory (see “may”).

Unusual Conditions is to mean delays in acquiring materials, parts, and (or) supplies, rock encountered in construction, usually severe weather, and other items or circumstances which might cause delays not under the control of the District.

Section 4. Water Laterals and Tap-On

Water laterals will be installed only at the request of the Owner or his agent. When the lateral terminates at the property line, the meter shall not be set and the lateral shall not be used until the owner of the property or his agent applies for service.

Section 5. Connections To Be Made By District Only Upon Application

The construction of water laterals within the street right-of-way and the setting of meters shall be the responsibility of the District. The construction of such lateral or the setting of such meter shall be done only after written application therefore has been approved. The only exceptions to this provision will be when a developer’s contractor in new subdivisions installs laterals and meter yokes

or commercial developments in compliance with this Document as shall be established by the District from time to time, and for initial water district(s) system construction.

Section 6. Application for Connection

Every application for water service shall list, on forms provided by the District, the property owner, the applicant's name, the street on which the lot is located, the number of the house or a description of the lot location (including PIN). This application shall be filed not less than ten (10) working days before the proposed connection is desired. Upon receipt of the application, the tap will be scheduled at the earliest possible date. Unusual conditions may be just cause for additional time in providing the service required. When the size of the service and the cost of the connection have been determined, the applicant shall deposit the previously determined cost and shall be issued a permit for the desired connection.

Section 7. Disapproval of Applicant

If, in the opinion of the District through the Water Advisory Committee, the water connection applied for will be such character as to put too great a demand on any part of the system and disrupt the District's ordinary water service requirements (30 psi system residual pressure under peak domestic flow conditions or 20 psi system residual pressure under fire flow conditions), it shall disapprove the application until such time as adequate means are provided to eliminate the unsatisfactory condition in the District's water service, the District shall require the customer to adopt remedial measures to eliminate the unsatisfactory condition. The District shall not in any way be responsible for any cost or inconvenience, in any matter, caused by a change in service requirements after an application has been approved, or by an installation before the application has been approved.

Section 8. Separate Water Connections and Meters Required

Each building shall have a separate meter, and where practicable, shall have a separate water lateral. In the event that one lateral is used for two (2) dwellings, commercial or industrial buildings, or used to serve two or more meters for the same dwelling, commercial or industrial buildings, a separate cut-off shall be provided for each meter.

However, there shall be an exception to the requirement for separate water meters in the case of groups of mobile homes or apartment developments under single ownership. In the case of said groups of mobile homes or apartment developments of more than ten (10) units, one (1) meter may be used for the entire project unless additional meters are requested by the property owner or deemed necessary by the proper District authority, and the following conditions shall be met:

- (A) All bills will be rendered to the Owner of the property.
- (B) The bill will be calculated by a minimum charge for the master meter, which shall be based on the number of units served times the minimum charge per standard ¾ inch meter. The remaining bill shall be based on the total consumption passing through the master meter times the unit commodity charge.
- (C) Should any portion of the development be sold, the owners shall be responsible for paying

whatever additional costs would be involved in bringing the divided development into compliance.

- (D) Cost of service shall be included in the rent/lease of each unit, and no individual meters shall be allowed.

In the case of group mobile homes or apartment developments where ten (10) or fewer units are involved, and where ownership is in one party, the owner may elect to have a single meter used for the entire project. Where such election is made the owner shall comply with the conditions set forth as (A), (B), (C), and (D) above.

Section 9. Connections and Meters to Remain Property of the District

All meters, boxes, vaults, pipes, and other equipment and appurtenances furnished and installed by the District in a water connection shall remain the property of the District. If, after an installation is completed, the property owner requests that a meter or lateral be changed in size and this request is approved by the District, the property owner shall pay for the change of lateral as though it were a new connection. Owner shall pay or be refunded the difference of the cost of meters in the original and new installations according to the then current price of the two meters.

Section 10. Maintenance of Meters and Connections

All meters and water laterals shall be maintained by the District at the District's expense.

Section 11. Connection to Other Than Water District Supply

No part of the District's water system shall be connected to any source of water supply other than those authorized by official action of the Water District Board. If, on any premises, both the District's water and water from any other source are used, the piping shall be completely separate.

Section 12. When Water Meters Read

All water meters or water systems controlled by the service district(s) shall be read monthly.

Section 13. Adjustments of Overcharges

The District shall have the authority to adjust any water bill after determining that the water bill is excessive, upon the approval of the appropriate Water Authority, under the following conditions:

- (A) If the cause is a defect in a water meter, the water bill shall be the average for the previous six months.
- (B) All metered water lost due to negligence on the part of the user will be charged at the normal rate, and no adjustment of the bill shall be made.
- (C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00.

The customer's water bill for the preceding twelve months was \$25.00 for each month. When you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. The customer will be responsible for the average which is \$25.00. See Section 13 (C). The total adjustment made to this account would be \$75.00

Section 14. Meter Tests

Any customer may have their meter tested upon payment of a \$25.00 fee. No more than two (2) meter tests shall be conducted within any twelve (12) month period for a given service installation. See Section 29 (B).

Section 15. Water for Temporary Purposes

Portable meters for connection to fire hydrants may be furnished by the District provided an application is filed with, and a deposit paid to the District. The actual deposit shall be as determined by the District. In no case shall the deposit exceed the cost of the meter, materials and installation cost thereof. The applicant shall be responsible for any damage to the hydrant, meter, connections, etc., used in the installation. The cost of any such damage shall be taken from the deposit. A service charge equal to the minimum monthly water bill rate for each month or part thereof shall be made for a temporary meter in addition to the cost of the water used through such meter at a rate of two (2) times the normal unit commodity charge. After deducting the water bill, service charge, and any cost of damage to the installation, the District shall refund the balance of the deposit to the applicant as soon as the meter is removed and returned to the District's stock. While in use, no wrench shall be used on the hydrant except a hydrant wrench that is furnished by the District. If scarred by unauthorized methods, the cost of equipment and/or appurtenances and labor to repair it shall be charged to the person or entity responsible for the damage. Should the water bill, service charge, and cost of damage exceed the deposit, the user shall pay the amount of such excess to the District.

Section 16. Tampering with Meters and Cutoffs

No person, except a duly authorized employee of the District, shall turn the cutoff installed in each meter box nor shall any person construct or have constructed any bypass around any meter except as may be installed and sealed by the District. The fact that water is cut on to any premises by an occupant thereof without the prior knowledge of either the District or the owner shall not relieve such premises of liability for such unauthorized use of water. Tampering will result in a fine determined by the North Carolina State Statute Ch. 14-151-1.

Section 17. No Guarantee of Quality. Quantity of Pressure of Water Supply Notice to be Given when Water is to be Cut Off.

The District does not guarantee the quality, quantity, flow rate, or pressure of its water supply. It is hereby made a portion of the terms on which the District furnishes water to customer that the District in no case shall be liable to any customer for any defect in quality or any deficiency in quantity, flow rate, or pressure; that the District shall not be liable to any customer for damages resulting from the complete or partial cutting off of water; and no deduction shall be made from any water bill by reason of any such defect or deficiency. Reasonable notice shall be given when the water is to be cut-off from any portion of a water system controlled by the District. No District employee shall be responsible for telling a property owner or occupant how best to care for his

boiler, water heater, or other equipment, which is affected by the discontinuance, either temporary or permanent, of his water supply. The owner or occupant shall be entirely responsible for his equipment and shall hold the District in no way responsible for damage thereof.

Section 18. Protection of Water Supply

No person shall contaminate any portion of the District's water supply whether the same is in a reservoir, tank, or pipe.

Section 19. Repealing Clause

If any section, paragraph, subdivision, clause, or provision of these rules and regulations shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these rules and regulations shall be deemed valid and effective.

Section 20. Procedures

- (A) Service will be supplied only to those who apply.
- (B) Users will make application for service, in person, with valid photo identification, at the office of the designated District Department, and at the same time make the deposit guarantee required hereafter.
- (C) The District may reject any application for services not available under a standard rate or that involves excessive service cost, or which may affect the supply of service to other customers, or for other good and sufficient reasons.
- (D) The District may reject any application for service when the applicant is delinquent in any payment of any bills incurred for service or connection fees previously supplied at any location. When the Owner of the premises has been served water and has not paid for the same, the District shall not be required to render services to anyone at said location where the water was used until said water bill has been paid.
- (E) All users will make a cash deposit in the amount determined by the District. Deposits shall not draw interest for user and/or owner. All users who qualify as mobile home parks or multi-family shall make a deposit equal to the number of unit's times the deposit the amount for a single residential service.
- (F) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.
- (G) A separate deposit is required for each meter and/or service connection requested.
- (H) The deposit required by this document or part remaining thereof will be refunded upon payment of final bill and final accounting.

Section 20.1 Procedures for water Systems During Construction

- (A) During periods of water district construction approved by the Commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

See “Attachment B” for schedule of fees.

Section 21. Initial or Minimum Charge

The initial or minimum charge, as provided in the rate schedule, shall be made for each service meter installed, regardless of location. See Attachment “A”. Thirty (30) days after water service has been installed, all users shall be billed at the minimum monthly charge.

Section 22. District’s Responsibility and Liability

- (A) The District shall run a service or lateral line from its distribution main to the property line where the distribution main runs immediately adjacent to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.
- (B) The District may install a meter within the North Carolina Department of Transportation Encroachment line or at the District’s option, on the customer’s property in a location mutually agreed upon. For meter installations on customer’s property, an easement for the service line and meter installation may be granted to the District.
- (C) When two (2) or more meters are to be installed on the same premises for different customers, they shall be closely grouped as reasonably possible and each clearly designated to which customer it applies.
- (D) The District Utilities Department does not assume responsibility for inspecting the customer’s plumbing, piping, or water conveyance and use appurtenances.
- (E) The District reserves the right to refuse service unless the customer’s lines or piping are installed in such a manner as to prevent cross-connections or backflow.
- (F) The District shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the customer’s premises, unless such damage results directly from gross negligence on the part of the District. The District shall not be responsible for any damage

done by, or resulting from any defect in the piping, fixtures, or appliances on the customer's premises. The District shall not be responsible for any negligence of third persons or forces beyond the control of the District resulting in an interruption of service.

- (G) Under normal conditions, the customer will be notified of any anticipated interruptions of service.

Section 23. Customer's Responsibility

- (A) Piping on the customer's premises must be so arranged that the connections are in a convenient location with respect to the District's lines or mains.
- (B) If the customer's piping on customer's premises is so arranged that the District is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- (C) Where a meter is placed on premises of a customer, a suitable place shall be provided by the customer for placing such meter, unobstructed and accessible at all times to the meter reader. An easement for the service line and the meter shall be granted to the District.
- (D) The customer shall furnish and maintain the service line on the customer's side of the meter. The District to provide same service on the District's side of such meter.
- (E) The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense in a safe and efficient manner; in accordance with the District's rules, regulations, and ordinances, and in full compliance with the North Carolina Building Code and the sanitary regulations of the North Carolina Division of Environmental Health.
- (F) The customer shall reasonably guarantee proper protection for all property controlled by the District and placed on the customer's premises by the District or any predecessor in interest to the District and shall permit to it only by authorized representatives of the District.
- (G) In the event that any loss or damage to such property or any accident or injury to persons or property is caused by or results from negligence or wrongful act of the customer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the District and any liability otherwise resulting shall be assumed by the customer.
- (H) The amount if such loss or damage or the cost of repairs shall be added to the customer's bill, and if not paid, service may be discontinued by the District.

Section 24. Access to Premises

Duly authorized agents of the District shall have access during all reasonable hours to the premises of the customer for the purpose of installing or removing property controlled by the District, inspecting piping, reading or testing meters, or for any other purpose in connection with the District's services and facilities.

Section 25. Change of Occupancy

- (A) Not less than three days notice must be given in person or not less than five days in writing, if mailed, to discontinue service for a change in occupancy. Such notice shall be given at the District office, which has responsibility for management of service accounts.
- (B) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.

Section 26. Billing and Collecting

- (A) Meters will be read and bills rendered as follows:
 - 1. Meters will be read once a month, and billing will be accomplished once per month.
 - 2. The District reserves the right to vary the date of meter readings and billing or length of period for billing temporarily or permanently if necessary or desirable.
- (B) Bills for water will be calculated in accordance with the District's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter reading.
- (C) Charge for service shall commence when service is installed, and water distribution main is tested and accepted. The first billing may be sixty (60) days from the installation. The exception to this provision is for owner or developer constructed water facilities including services, and in this case charge for service shall commence when an application is made a meter is set.
- (D) Reading for different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different customers, or for the same of different services.
- (E) Bills are due when rendered and become delinquent 15 days from "Date Bill Mailed". A delinquent fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on "Due Date". If bill is not paid within five (5) days of the due date, service may be discontinued by District, and if customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.
- (F) Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the customer from payment.
- (G) If a check is returned for insufficient funds on a disconnection/reconnection for nonpayment on account, the service will be cut off immediately and meter removed. If a check is returned for insufficient funds on a reconnection with a deposit, the service will be cut off immediately and meter removed. When a check is returned for insufficient funds on an active account, the District will notify the customer by phone or letter of this transaction, requesting immediate payment of the check and a \$25.00 service charge. If the cash payment is not received within a month, the service will be disconnected during the next billing cycle and the meter is removed.

- (H) If the check is returned for Non-Sufficient Funds or Closed Account, the District may pursue any legal options available.

Section 27. Suspension of Service

- (A) Upon discontinuance of service for non-payment of bills, the District may proceed to collect the balance as provided by law for the collection of debts.
- (B) A service discontinued for non-payment of bills will be restored only after bills are paid in full, and a service charge determined by the District is paid for each meter reconnected. In addition, a \$30.00 service charge is applicable when meter is reconnected as a result of voluntary disconnection requested by the property owner. The District may, from time to time, increase this service charge. Request for restoration of service will be honored on the day requested provided the payment is made by 5:00 P.M.; otherwise, the restoration of service will be made the next workday. There will be no reconnections after 5:00 P.M.
- (C) A penalty of \$50.00 will be charged if the seal is broken on any locked meter and water is used. However, a penalty of twice the first amount will be charges for the second and all subsequent occurrences. The penalty must be paid in full before any reconnections to the water system are made.
- (D) After a connection has been discontinued for a period of twelve (12) consecutive months, the District may remove the meter base, meter, curb stop valve, meter box, and service line for use elsewhere.
- (E) At any time after the meter base, meter, curb stop valve, and meter box have been removed in addition to the service charge set forth in subsection © above, and additional service charge equal to the then tap-on fee shall be paid as a reconnection fee. In addition, the customer must make the required deposit.
- (F) The District reserves the right to discontinue its service without notice for the following additional reasons, but not exclusively:
1. To prevent fraud or abuse.
 2. Emergency repairs.
 3. Insufficiency of supply due to circumstances beyond the District's control.
 4. Legal processes.
 5. Direction of public authorities.
 6. Strike, riot, fire, flood, accident, or any unavoidable cause.
 7. Customer's negligence
 8. Acts of God.

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- (G) The District may, in addition to prosecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device.

Section 28. Termination Clause

A customer can disconnect from the system after paying the cost of the tap into the account. The customer may pay a disconnect fee of \$25.00 to have the meter removed if the meter is replaced the customer could at that time pay a reconnect fee of \$25.00. The disconnect by the Department will be within a reasonable time after the customer's request.

Section 29. Complaints – Adjustments

- (A) If the customer believes his bill to be in error, he shall present his claim, in person, at the District Office managing the water accounts before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The customer may pay such bill under protest, and said payment shall not prejudice his claim.
- (B) The District will make special meter readings at the request of the customer for a \$25.00 fee provided; however, that if such special reading discloses that the meter was over read; or in error in any way, the fee will be refunded. See Section 14.
- (C) The Order of the Appeals Process is as follows:
1. Office Manager
 2. Water Advisory Board
 3. Utilities Director
 4. Water Advisory Board

Each person or persons will have thirty (30) days in which to review the complaint. The Water Advisory Board meets quarterly, in which the complaint will be heard within a reasonable time after complaint if filed pursuant to stipulations of this document.

- (D) No modifications of rates or the rules and regulations shall be made by any employee of the District as it relates to (A), (B), and © above.

Section 30. Classifications, Rates, Fees, and Charges - See Attachment "A"

The following classifications, rates, fees, assessments, and charges are adopted:

- (A) Classification of Service

All services are classified under two (2) categories to include residential or commercial users. A residential service is a service requiring a meter size up to and including one (1) inch. All other services shall be classified commercial.

- (B) Rate Schedule

1. Residential:

Rates will be established and approved from time to time by the Water District Board.

2. Commercial:

Rates will be established and approved from time to time by the Water District Board.

(C) Tap-On Fees

1. Tap-On Fee:

A discounted tap-on fee may be offered to a residence located within the district during the time of formation or additions, per Attachment B, as approved by the Board of Commissioners. This discounted tap fee will be available to all customers up and until the time the final inspection is performed. After this point, the tap-on fee will revert to the District's Fee schedule and will be subject to all other applicable fees present in this section.

2. See Columbus County Utilities Water Service Schedule. See Attachment "A".

3. See Columbus County Water Service Fee Schedule. See Attachment "A".

(D) Application Fee, Deposit, Late Payment Fee, **Delinquent Account Penalty**, Reconnection Fee, Returned Check Fee, Meter Testing Fee, and Meter Tampering Fee.

See Attachment "B".

Section 31. Water System Extensions by Private Entities

(A) Private entities, including individuals, residential and commercial developers, businesses, and industries may construct extensions to the District system.

(B) Procedures for preparation and approval of plans and specifications shall conform to the Columbus County Water Policies.

(C) Materials and methods for construction of water system extensions shall conform to the Columbus County Water Distribution Standards.

(D) Reimbursement and cost sharing/participation shall comply with the Columbus County Water Policies.

Section 32. Inclusive Terms

Use of the masculine herein shall include the feminine and neuter and the singular shall include the plural.

Section 33. Governing Law

All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina.

Section 34. Notice

All notice required hereunder to be sent to the District shall be sent to the following designated address, or to such other address or addresses as may hereafter be designed by written notice of such change of address.

To County:
Columbus County Public Utilities Department
612 North Madison Street
Whiteville, N.C. 28472

Section 35. Nondiscrimination

District will take affirmative action not to discriminate against any applicant or otherwise illegally deny any person participation in or the benefits of the activities which are the subject of this document, because of race, creed, color, sex, age, disability, or national origin.

Effective Date: February 02, 2010

APPROVED and ADOPTED this 1st day of February, 2010.

Signature: /s/ **P. EDWIN RUSS**, Chairman
Columbus County Board of Commissioners

Attest By: **JUNE B. HALL**
Clerk to the Board

“Attachment A”

Water Rate Schedule

District I

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District II

1 st 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

District III

1 st 2,000 Gallons	\$25.00
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Every 1,000 Gallons Thereafter \$ 4.00

District IV

1st 2,000 Gallons \$21.00
 Every 1,000 Gallons Thereafter \$ 4.00

District V

1st 2,000 Gallons \$21.00
 Every 1,000 Gallons Thereafter \$ 4.00
 Prison
 Every 1,000 Gallons \$ 6.00

Guideway School

1st 2,000 Gallons \$22.00
 Every 1,000 Gallons Thereafter \$ 4.00

*******THIS WATER FEE SCHEDULE IS CURRENT AS OF MARCH 2007. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY*******

“Attachment B”

Application Fee

	<u>During Construction</u>	<u>After Construction</u>
¾ Inch Meter	\$ 100.00	\$ 500.00
1 Inch Meter	\$ 450.00	\$ 750.00
2 Inch Meter	\$ 700.00	\$1,000.00

Security Deposit

Per Account \$ 50.00

Late Payment Fee

After Due Date \$ 5.00

Delinquent Account Penalty

Per Account \$ 30.00

Reconnection Fee

Per Account \$ 30.00

Return Check Fee

Per Check \$ 25.00

Meter Testing Fee

Per Meter \$ 25.00

Meter Tampering Fee

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, or both fined and imprisoned, in the discretion of the court. See Section 14-151.1 © of the North Carolina General Statute.

14-151.1**CH.14 Criminal Law****14-151.1****14-151-1 Interfering with electric, gas or water meters; prima facie evidence of intent to alter, tamper with or bypass electric, gas or water meters; unlawful reconnection of electricity, gas or water; civil liability.**

(A) It shall be unlawful for any unauthorized person to alter, tamper with or bypass a meter which has been installed for the purpose of measuring the use of electricity, gas or water or knowingly to use electricity, gas or water passing through any such tampered meter or use electricity, gas or water bypassing a meter provided by an electric, gas or water supplier for the purpose of measuring and registering the quantity or electricity, gas or water consumed.

(B) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the electricity, gas or water consumed or which would cause the electricity, gas or water to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this diction by the person in whose name such meter is installed or the person or persons so using or receiving the benefits of such unmeasured, unregistered or diverted electricity, gas or water.

(B1) It is unlawful for any unauthorized person to reconnect electricity, gas or water connections or otherwise turn back on one or more to those utilities when they have been lawfully disconnected or turned off by the provider of the utility.

(B2) It is unlawful for any unauthorized person to alter, bypass, interfere with or cut off any load management device, equipment, or system which has been installed by the electricity supplier for the purpose of limiting the use of electricity at peak-load periods, provide, however, if there has been a written request to remove the load management device, equipment, or system to the electric supplier and the electric supplier has not removed the device within two working days, there shall be no violation of this section.

(C) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, in the discretion of the court.

(C1) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a Class 1 Misdemeanor.

(D) Whoever is found in a civil action to have violated any provision hereof shall be liable to the electric, gas or water supplier in triple the amount of losses and damages sustained or five hundred dollars (\$500.00), whichever is greater.

(E) Nothing in this section shall be constructed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards. (1977, c.735, s.1, -1983, c.508, ss.1, 2; 1989, c.119; 1983, c.539, s.89.)

ADJOURNMENT:

At 7:30 P.M., Commissioner Prevatte made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously passed.

APPROVED:

JUNE B. HALL, Clerk to Board

P. EDWIN RUSS, Chairman

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V
COMBINATION BOARD MEETING
February 01, 2010
6:55 P.M.**

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer Districts I, II, III, IV and V Board.

COMMISSIONERS PRESENT:

P. Edwin Russ, **Chairman**
Giles E. (Buddy) Byrd, **Vice Chairman**
Amon E. McKenzie
James E. Prevatte
Lynwood Norris
Ricky Bullard
Ronald Gore

APPOINTEES PRESENT:

William S. Clark, **County Manager**
Mike Stephens, **County Attorney**
June B. Hall, **Clerk to Board**
Bobbie Faircloth, **Finance Officer**

MEETING CALLED TO ORDER:

At 6:55 P.M., Chairman Russ called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

Agenda Item #14: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

January 19, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (5 sets)

Commissioner Norris made a motion to approve the January 19, 2010 Columbus County Water and Sewer District III Board Meeting Minutes, as recorded, seconded by Commissioner Prevatte. The motion unanimously passed.

Agenda Item #15: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of REVISED UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:

Kip McClary, Public Utilities Director, requested Board approval and adoption of the **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities. **(This will be the second reading.)** A workshop was conducted on January 11, 2010, and the first reading was held at the January 19, 2010 Board Meeting.

DISCUSSION:

Kip McClary: stated the following:

1. This document is a result of the Columbus County Water Board Meeting and the workshop that was held on January 11, 2010; **and**
2. This document is presented for approval and it is the second reading.

Commissioner Prevatte: I would like to know if the Board can vote on each one of the three (3) areas of recommended revisions in lieu of voting for the entirety of the changes. Mike Stephens, County Attorney, replied stating yes.

MOTION:

Commissioner Prevatte made a motion to vote on each of the three (3) areas of the revisions to the Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, in lieu of voting for the revisions in their entirety, seconded by Commissioner Bullard.

A roll-call vote was taken with the following results:

- AYES:** Chairman Russ, Vice Chairman Byrd, Commissioners Prevatte, Norris Bullard and Gore; **and**
NAYS: Commissioner McKenzie.

The motion passes on a six (6) to one (1) vote.

Kip McClary: stated the following:

1. The first area of change is **Section 13. Adjustments of Overcharges, Paragraph (C)**, as follows:

(C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00. The customer's water bill for the preceding twelve months was \$25.00 for each month. The total bills combined for the preceding twelve month period was \$300.00. When you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. The customer will be responsible for the average, which is \$25.00. Sec Section 13 (C). The total adjustment made to this account would be \$75.00.

MOTION:

After discussion was conducted, Commissioner Prevatte made a motion to approve Section 13. Adjustments of Overcharges, Paragraph (C), as revised, seconded by Commissioner McKenzie.

A roll-call vote was taken with the following results:

- AYES:** Chairman Russ, Vice Chairman Byrd, Commissioners McKenzie, Prevatte, Norris

and Gore; **and**
NAYS: Commissioner Bullard.

The motion passes on a six (6) to one (1) vote.

2. The second area of change is we have added **Section 20.1 Procedures for Water Systems During Construction**, as follows:

Section 20.1 Procedures for Water Systems During Construction

- (A) During periods of water district construction approved by the Commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

See “Attachment B” for schedule of fees.

MOTION:

Commissioner Prevatte made a motion to approve Section 20.1 Procedures for Water Systems During Construction being added to the Uniform Rules for All Water districts and Retail Water Facilities Operated by Columbus County Public Utilities, seconded by Commissioner Bullard. The motion unanimously passed.

3. The third area of change is in **Section 26. Billing and Collecting, Paragraph (E)**, which reads as follows:
 - (E) Bills are due when rendered and become late 15 days from “Date Bill Mailed”. A late payment fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on “Due Date”. If bill is not paid within five (5) days of the due date, service may be discontinued by District, and a delinquent account penalty will be assessed. See Attachment B. The delinquent account penalty shall be waived only once per account in any twelve month period. If customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.

This is the change that has the potential to affect us the most. We have approximately one hundred twenty (120) accounts in the delinquent category every month. Forty (40) of these accounts are usually new customers who got caught in the late penalty. We have

approximately eighty (80) repeats in this category every month, but it is the forty (40) every month that we could be charging off, because typically those forty (40) that get caught for the first time, we don't have a problem with them again within the next twelve (12) months. If you calculate the forty (40) that could be charged off every month, and you charge off the thirty and 00/100 (\$30.00) dollars penalty, you could be losing one thousand, two hundred and 00/100 (\$1,200.00) dollars revenue every month.

Commissioner Prevatte: stated the following:

1. The verbiage of disconnect fee has been changed to delinquent account penalty;
2. There was no waiver of the fee previously; **and**
3. I am glad to see the verbiage changed.

Commissioner Gore: stated the following:

1. I would agree with this if it stated once in the history of the account;
2. This could result in the district losing revenue; **and**
3. It appears to me that we would be rewarding the eighty (80) customers who are repeats.

Commissioner McKenzie: stated the following:

1. My biggest concern is that the customers do not enough turn-around time to get their monthly bills paid on time; **and**
2. Some of our citizens, especially tho citizens who receive Social Security, do not receive their monthly checks early enough to meet the deadline that has been established.

Vice Chairman Byrd: I do not think that fifteen (15) days is adequate time for the bills to be received and paid.

Commissioner Bullard: Kip, did the Water Board recommend that this change be made? Mr. McClary replied stating the Water Board did not recommend that this change be made.

MOTION:

Commissioner Bullard made a motion to leave Section 26. Billing and Collecting, Paragraph (E), in the original version in the existing policy, seconded by Commissioner Gore.

SUBSTITUTE MOTION:

Commissioner McKenzie made a substitute motion that water bills go out the first of the month, go through the thirty (30) days of the month for the entire cycle, and if the bill is not paid by the 10th of the following month, they become delinquent, and the water will be cut off, seconded by Vice Chairman Byrd.

SUBSTITUTE MOTION:

Commissioner Prevatte made a substitute motion that the policy reads the bills will become delinquent by the end of the month and service will be disconnected on the 1st day of the following month, with a change in verbiage to read delinquent penalty and no waiver.

The motion dies for a lack of a second.

A roll-call vote was taken on the first substitute motion with the following results:

AYES: Vice Chairman Byrd, Commissioners McKenzie and Norris; **and**
NAYS: Chairman Russ, Commissioners Prevatte, Bullard and Gore.

The Substitute Motion fails on a four (4) to three (3) vote.

ORIGINAL MOTION:

A roll-call vote was taken on the Original Motion with the following results:

AYES: Chairman Russ, Commissioners Prevatte, Bullard and Gore; **and**
NAYS: Vice Chairman Byrd, Commissioners McKenzie and Norris.

The original motion passes on a four (4) to three (3) vote.

MOTION (for Entire Policy):

Commissioner Prevatte made a motion to approve and accept the referenced sections, with the noted changes, in the Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, as follows, seconded by Commissioner Bullard.

A roll-call vote was taken with the following results:

AYES: Chairman Russ, Commissioners Prevatte, Norris, Bullard and Gore; **and**
NAYS: Vice Chairman Byrd and Commissioner McKenzie.

The motion passes on a five (5) to two (2) vote.

Commissioner Bullard asked Kip McClary, Public Utilities Director, how many miles of water line were located in each of the water districts, and how many active customers in each water district. Mr. McClary replied stating that he would estimate that there were fifty (50) miles, give or take, in each district, and he did not have the numbers with him of the active customers in each water district.

Columbus County Public Utilities Department

Uniform Rules for All Water Districts and Retail Water Facilities
Operated by Columbus County Public Utilities

Rules Regulating the Use of Water for Facilities Operated by Columbus County and Establishing Fees and Other Charges and Providing for Collection of the Same.

Now, therefore, be it ordained by the Water District Board as follows:

Section 1. Introduction

The Public Utilities Department was created by the Water District Board and has been given the responsibility for operating, maintaining, and expanding the District's water systems. The District Board and the Water Advisory Committee (advisory board to the Board of Commissioners) are committed to making the Public Utilities Department a self-sustaining department within the County's governmental structure through rates and other fees.

In addition to the policies herein, the District has established many standards and specifications for utility design, construction, and operation, prepared by the Public Utilities Department. This handbook will describe these policies, standards, and specifications as related to public water utilities.

It shall be the philosophy and the intent of the District to provide potable water to all those citizens of the District where it is deemed economically feasible and structurally practical.

Section 2. Policy Administration/Authority

Staff administration of said policy shall be the responsibility of the County Manager, or his designee shall direct the expansion of the Public Utilities Department upon the directions and guidance of the Water District Board, and from time to time as necessity requires, make decisions developing the operations of the District's water systems and shall have the authority to make decisions necessary to ensure that the expansion and upgrade of the District's utility infrastructure is consistent with policy and philosophy. These rules and regulations are adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of providing adequate and reasonable rules and regulations to protect and regulate special County service district(s); water supply; and distribution systems in Columbus County. These rules and regulations are also adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of establishing a schedule of rates, fees, charges, and penalties for the use of, and services furnished by special County service district water supply and distribution systems in Columbus County.

Section 3. Definitions

Agent is the legal representative of a corporation or partnership that holds title to property served by the district.

Board of Commissioners is the duly elected governing body of Columbus County.

Building is a structure as defined in the North Carolina Building Code.

Commodity Charge is the unit fee for water supplied through a service meter that is normally presented as cost per one thousand gallons.

Connections are that part of the water service line that runs from the main to the property line, including all appurtenances, to make the service complete and ready to use.

Controlled by is owned, operated, or leased by.

County is Columbus.

Customer is the person legally or equitably responsible for the payment of charges for water services on any premises.

District is the one of the statutory established water service areas in the County and its designated agents.

Easement shall mean an acquired legal right for the specific use of land owned by others.

Improved Street is any street having a wearing surface or concrete, brick, stone block, asphalt, or any bituminous compound.

Lateral is that portion of the water connection which does not include meter, box, or meter setter of connection.

Main is the water pipe usually laid in a road or a street right-of-way running parallel to the property line that distributes water.

May is permissive (see “shall”).

Occupant is the customer who is actually in possession or control of any premises.

Owner is the person having legal or equitable title to any premises.

Person is an individual, firm, association, partnership, or corporation.

Premise is land, building, or other structure and appurtenances thereto.

Service Line is a water line that may service a house, business, apartments, etc. that runs from the street to the establishment being served. Service line may also be called “lateral”.

Shall is mandatory (see “may”).

Unusual Conditions is to mean delays in acquiring materials, parts, and (or) supplies, rock encountered in construction, usually severe weather, and other items or circumstances which might cause delays not under the control of the District.

Section 4. Water Laterals and Tap-On

Water laterals will be installed only at the request of the Owner or his agent. When the lateral terminates at the property line, the meter shall not be set and the lateral shall not be used until the owner of the property or his agent applies for service.

Section 5. Connections To Be Made By District Only Upon Application

The construction of water laterals within the street right-of-way and the setting of meters shall be the responsibility of the District. The construction of such lateral or the setting of such meter shall be done only after written application therefore has been approved. The only exceptions to this provision will be when a developer’s contractor in new subdivisions installs laterals and meter yokes

or commercial developments in compliance with this Document as shall be established by the District from time to time, and for initial water district(s) system construction.

Section 6. Application for Connection

Every application for water service shall list, on forms provided by the District, the property owner, the applicant's name, the street on which the lot is located, the number of the house or a description of the lot location (including PIN). This application shall be filed not less than ten (10) working days before the proposed connection is desired. Upon receipt of the application, the tap will be scheduled at the earliest possible date. Unusual conditions may be just cause for additional time in providing the service required. When the size of the service and the cost of the connection have been determined, the applicant shall deposit the previously determined cost and shall be issued a permit for the desired connection.

Section 7. Disapproval of Applicant

If, in the opinion of the District through the Water Advisory Committee, the water connection applied for will be such character as to put too great a demand on any part of the system and disrupt the District's ordinary water service requirements (30 psi system residual pressure under peak domestic flow conditions or 20 psi system residual pressure under fire flow conditions), it shall disapprove the application until such time as adequate means are provided to eliminate the unsatisfactory condition in the District's water service, the District shall require the customer to adopt remedial measures to eliminate the unsatisfactory condition. The District shall not in any way be responsible for any cost or inconvenience, in any matter, caused by a change in service requirements after an application has been approved, or by an installation before the application has been approved.

Section 8. Separate Water Connections and Meters Required

Each building shall have a separate meter, and where practicable, shall have a separate water lateral. In the event that one lateral is used for two (2) dwellings, commercial or industrial buildings, or used to serve two or more meters for the same dwelling, commercial or industrial buildings, a separate cut-off shall be provided for each meter.

However, there shall be an exception to the requirement for separate water meters in the case of groups of mobile homes or apartment developments under single ownership. In the case of said groups of mobile homes or apartment developments of more than ten (10) units, one (1) meter may be used for the entire project unless additional meters are requested by the property owner or deemed necessary by the proper District authority, and the following conditions shall be met:

- (A) All bills will be rendered to the Owner of the property.
- (B) The bill will be calculated by a minimum charge for the master meter, which shall be based on the number of units served times the minimum charge per standard $\frac{3}{4}$ inch meter. The remaining bill shall be based on the total consumption passing through the master meter times the unit commodity charge.
- (C) Should any portion of the development be sold, the owners shall be responsible for paying

whatever additional costs would be involved in bringing the divided development into compliance.

- (D) Cost of service shall be included in the rent/lease of each unit, and no individual meters shall be allowed.

In the case of group mobile homes or apartment developments where ten (10) or fewer units are involved, and where ownership is in one party, the owner may elect to have a single meter used for the entire project. Where such election is made the owner shall comply with the conditions set forth as (A), (B), (C), and (D) above.

Section 9. Connections and Meters to Remain Property of the District

All meters, boxes, vaults, pipes, and other equipment and appurtenances furnished and installed by the District in a water connection shall remain the property of the District. If, after an installation is completed, the property owner requests that a meter or lateral be changed in size and this request is approved by the District, the property owner shall pay for the change of lateral as though it were a new connection. Owner shall pay or be refunded the difference of the cost of meters in the original and new installations according to the then current price of the two meters.

Section 10. Maintenance of Meters and Connections

All meters and water laterals shall be maintained by the District at the District's expense.

Section 11. Connection to Other Than Water District Supply

No part of the District's water system shall be connected to any source of water supply other than those authorized by official action of the Water District Board. If, on any premises, both the District's water and water from any other source are used, the piping shall be completely separate.

Section 12. When Water Meters Read

All water meters or water systems controlled by the service district(s) shall be read monthly.

Section 13. Adjustments of Overcharges

The District shall have the authority to adjust any water bill after determining that the water bill is excessive, upon the approval of the appropriate Water Authority, under the following conditions:

- (A) If the cause is a defect in a water meter, the water bill shall be the average for the previous six months.
- (B) All metered water lost due to negligence on the part of the user will be charged at the normal rate, and no adjustment of the bill shall be made.
- (C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00.

The customer's water bill for the preceding twelve months was \$25.00 for each month. When you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. The customer will be responsible for the average which is \$25.00. See Section 13 (C). The total adjustment made to this account would be \$75.00

Section 14. Meter Tests

Any customer may have their meter tested upon payment of a \$25.00 fee. No more than two (2) meter tests shall be conducted within any twelve (12) month period for a given service installation. See Section 29 (B).

Section 15. Water for Temporary Purposes

Portable meters for connection to fire hydrants may be furnished by the District provided an application is filed with, and a deposit paid to the District. The actual deposit shall be as determined by the District. In no case shall the deposit exceed the cost of the meter, materials and installation cost thereof. The applicant shall be responsible for any damage to the hydrant, meter, connections, etc., used in the installation. The cost of any such damage shall be taken from the deposit. A service charge equal to the minimum monthly water bill rate for each month or part thereof shall be made for a temporary meter in addition to the cost of the water used through such meter at a rate of two (2) times the normal unit commodity charge. After deducting the water bill, service charge, and any cost of damage to the installation, the District shall refund the balance of the deposit to the applicant as soon as the meter is removed and returned to the District's stock. While in use, no wrench shall be used on the hydrant except a hydrant wrench that is furnished by the District. If scarred by unauthorized methods, the cost of equipment and/or appurtenances and labor to repair it shall be charged to the person or entity responsible for the damage. Should the water bill, service charge, and cost of damage exceed the deposit, the user shall pay the amount of such excess to the District.

Section 16. Tampering with Meters and Cutoffs

No person, except a duly authorized employee of the District, shall turn the cutoff installed in each meter box nor shall any person construct or have constructed any bypass around any meter except as may be installed and sealed by the District. The fact that water is cut on to any premises by an occupant thereof without the prior knowledge of either the District or the owner shall not relieve such premises of liability for such unauthorized use of water. Tampering will result in a fine determined by the North Carolina State Statute Ch. 14-151-1.

Section 17. No Guarantee of Quality. Quantity of Pressure of Water Supply Notice to be Given when Water is to be Cut Off.

The District does not guarantee the quality, quantity, flow rate, or pressure of its water supply. It is hereby made a portion of the terms on which the District furnishes water to customer that the District in no case shall be liable to any customer for any defect in quality or any deficiency in quantity, flow rate, or pressure; that the District shall not be liable to any customer for damages resulting from the complete or partial cutting off of water; and no deduction shall be made from any water bill by reason of any such defect or deficiency. Reasonable notice shall be given when the water is to be cut-off from any portion of a water system controlled by the District. No District employee shall be responsible for telling a property owner or occupant how best to care for his

boiler, water heater, or other equipment, which is affected by the discontinuance, either temporary or permanent, of his water supply. The owner or occupant shall be entirely responsible for his equipment and shall hold the District in no way responsible for damage thereof.

Section 18. Protection of Water Supply

No person shall contaminate any portion of the District's water supply whether the same is in a reservoir, tank, or pipe.

Section 19. Repealing Clause

If any section, paragraph, subdivision, clause, or provision of these rules and regulations shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these rules and regulations shall be deemed valid and effective.

Section 20. Procedures

- (A) Service will be supplied only to those who apply.
- (B) Users will make application for service, in person, with valid photo identification, at the office of the designated District Department, and at the same time make the deposit guarantee required hereafter.
- (C) The District may reject any application for services not available under a standard rate or that involves excessive service cost, or which may affect the supply of service to other customers, or for other good and sufficient reasons.
- (D) The District may reject any application for service when the applicant is delinquent in any payment of any bills incurred for service or connection fees previously supplied at any location. When the Owner of the premises has been served water and has not paid for the same, the District shall not be required to render services to anyone at said location where the water was used until said water bill has been paid.
- (E) All users will make a cash deposit in the amount determined by the District. Deposits shall not draw interest for user and/or owner. All users who qualify as mobile home parks or multi-family shall make a deposit equal to the number of unit's times the deposit the amount for a single residential service.
- (F) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.
- (G) A separate deposit is required for each meter and/or service connection requested.
- (H) The deposit required by this document or part remaining thereof will be refunded upon payment of final bill and final accounting.

Section 20.1 Procedures for water Systems During Construction

- (A) During periods of water district construction approved by the Commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

See “Attachment B” for schedule of fees.

Section 21. Initial or Minimum Charge

The initial or minimum charge, as provided in the rate schedule, shall be made for each service meter installed, regardless of location. See Attachment “A”. Thirty (30) days after water service has been installed, all users shall be billed at the minimum monthly charge.

Section 22. District’s Responsibility and Liability

- (A) The District shall run a service or lateral line from its distribution main to the property line where the distribution main runs immediately adjacent to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.
- (B) The District may install a meter within the North Carolina Department of Transportation Encroachment line or at the District’s option, on the customer’s property in a location mutually agreed upon. For meter installations on customer’s property, an easement for the service line and meter installation may be granted to the District.
- (C) When two (2) or more meters are to be installed on the same premises for different customers, they shall be closely grouped as reasonably possible and each clearly designated to which customer it applies.
- (D) The District Utilities Department does not assume responsibility for inspecting the customer’s plumbing, piping, or water conveyance and use appurtenances.
- (E) The District reserves the right to refuse service unless the customer’s lines or piping are installed in such a manner as to prevent cross-connections or backflow.
- (F) The District shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the customer’s premises, unless such damage results directly from gross negligence on the part of the District. The District shall not be responsible for any damage

done by, or resulting from any defect in the piping, fixtures, or appliances on the customer's premises. The District shall not be responsible for any negligence of third persons or forces beyond the control of the District resulting in an interruption of service.

- (G) Under normal conditions, the customer will be notified of any anticipated interruptions of service.

Section 23. Customer's Responsibility

- (A) Piping on the customer's premises must be so arranged that the connections are in a convenient location with respect to the District's lines or mains.
- (B) If the customer's piping on customer's premises is so arranged that the District is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- (C) Where a meter is placed on premises of a customer, a suitable place shall be provided by the customer for placing such meter, unobstructed and accessible at all times to the meter reader. An easement for the service line and the meter shall be granted to the District.
- (D) The customer shall furnish and maintain the service line on the customer's side of the meter. The District to provide same service on the District's side of such meter.
- (E) The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense in a safe and efficient manner; in accordance with the District's rules, regulations, and ordinances, and in full compliance with the North Carolina Building Code and the sanitary regulations of the North Carolina Division of Environmental Health.
- (F) The customer shall reasonably guarantee proper protection for all property controlled by the District and placed on the customer's premises by the District or any predecessor in interest to the District and shall permit to it only by authorized representatives of the District.
- (G) In the event that any loss or damage to such property or any accident or injury to persons or property is caused by or results from negligence or wrongful act of the customer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the District and any liability otherwise resulting shall be assumed by the customer.
- (H) The amount if such loss or damage or the cost of repairs shall be added to the customer's bill, and if not paid, service may be discontinued by the District.

Section 24. Access to Premises

Duly authorized agents of the District shall have access during all reasonable hours to the premises of the customer for the purpose of installing or removing property controlled by the District, inspecting piping, reading or testing meters, or for any other purpose in connection with the District's services and facilities.

Section 25. Change of Occupancy

- (A) Not less than three days notice must be given in person or not less than five days in writing, if mailed, to discontinue service for a change in occupancy. Such notice shall be given at the District office, which has responsibility for management of service accounts.
- (B) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.

Section 26. Billing and Collecting

- (A) Meters will be read and bills rendered as follows:
 - 1. Meters will be read once a month, and billing will be accomplished once per month.
 - 2. The District reserves the right to vary the date of meter readings and billing or length of period for billing temporarily or permanently if necessary or desirable.
- (B) Bills for water will be calculated in accordance with the District's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter reading.
- (C) Charge for service shall commence when service is installed, and water distribution main is tested and accepted. The first billing may be sixty (60) days from the installation. The exception to this provision is for owner or developer constructed water facilities including services, and in this case charge for service shall commence when an application is made a meter is set.
- (D) Reading for different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different customers, or for the same of different services.
- (E) Bills are due when rendered and become delinquent 15 days from "Date Bill Mailed". A delinquent fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on "Due Date". If bill is not paid within five (5) days of the due date, service may be discontinued by District, and if customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.
- (F) Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the customer from payment.
- (G) If a check is returned for insufficient funds on a disconnection/reconnection for nonpayment on account, the service will be cut off immediately and meter removed. If a check is returned for insufficient funds on a reconnection with a deposit, the service will be cut off immediately and meter removed. When a check is returned for insufficient funds on an active account, the District will notify the customer by phone or letter of this transaction, requesting immediate payment of the check and a \$25.00 service charge. If the cash payment is not received within a month, the service will be disconnected during the next billing cycle and the meter is removed.

- (H) If the check is returned for Non-Sufficient Funds or Closed Account, the District may pursue any legal options available.

Section 27. Suspension of Service

- (A) Upon discontinuance of service for non-payment of bills, the District may proceed to collect the balance as provided by law for the collection of debts.
- (B) A service discontinued for non-payment of bills will be restored only after bills are paid in full, and a service charge determined by the District is paid for each meter reconnected. In addition, a \$30.00 service charge is applicable when meter is reconnected as a result of voluntary disconnection requested by the property owner. The District may, from time to time, increase this service charge. Request for restoration of service will be honored on the day requested provided the payment is made by 5:00 P.M.; otherwise, the restoration of service will be made the next workday. There will be no reconnections after 5:00 P.M.
- (C) A penalty of \$50.00 will be charged if the seal is broken on any locked meter and water is used. However, a penalty of twice the first amount will be charges for the second and all subsequent occurrences. The penalty must be paid in full before any reconnections to the water system are made.
- (D) After a connection has been discontinued for a period of twelve (12) consecutive months, the District may remove the meter base, meter, curb stop valve, meter box, and service line for use elsewhere.
- (E) At any time after the meter base, meter, curb stop valve, and meter box have been removed in addition to the service charge set forth in subsection © above, and additional service charge equal to the then tap-on fee shall be paid as a reconnection fee. In addition, the customer must make the required deposit.
- (F) The District reserves the right to discontinue its service without notice for the following additional reasons, but not exclusively:
1. To prevent fraud or abuse.
 2. Emergency repairs.
 3. Insufficiency of supply due to circumstances beyond the District's control.
 4. Legal processes.
 5. Direction of public authorities.
 6. Strike, riot, fire, flood, accident, or any unavoidable cause.
 7. Customer's negligence
 8. Acts of God.

- (G) The District may, in addition to prosecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device.

Section 28. Termination Clause

A customer can disconnect from the system after paying the cost of the tap into the account. The customer may pay a disconnect fee of \$25.00 to have the meter removed if the meter is replaced the customer could at that time pay a reconnect fee of \$25.00. The disconnect by the Department will be within a reasonable time after the customer's request.

Section 29. Complaints – Adjustments

- (A) If the customer believes his bill to be in error, he shall present his claim, in person, at the District Office managing the water accounts before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The customer may pay such bill under protest, and said payment shall not prejudice his claim.
- (B) The District will make special meter readings at the request of the customer for a \$25.00 fee provided; however, that if such special reading discloses that the meter was over read; or in error in any way, the fee will be refunded. See Section 14.
- (C) The Order of the Appeals Process is as follows:
 - 1. Office Manager
 - 2. Water Advisory Board
 - 3. Utilities Director
 - 4. Water Advisory Board

Each person or persons will have thirty (30) days in which to review the complaint. The Water Advisory Board meets quarterly, in which the complaint will be heard within a reasonable time after complaint if filed pursuant to stipulations of this document.

- (D) No modifications of rates or the rules and regulations shall be made by any employee of the District as it relates to (A), (B), and © above.

Section 30. Classifications, Rates, Fees, and Charges - See Attachment "A"

The following classifications, rates, fees, assessments, and charges are adopted:

- (A) Classification of Service

All services are classified under two (2) categories to include residential or commercial users. A residential service is a service requiring a meter size up to and including one (1) inch. All other services shall be classified commercial.

- (B) Rate Schedule

- 1. Residential:

Rates will be established and approved from time to time by the Water District Board.

2. Commercial:

Rates will be established and approved from time to time by the Water District Board.

(C) Tap-On Fees

1. Tap-On Fee:

A discounted tap-on fee may be offered to a residence located within the district during the time of formation or additions, per Attachment B, as approved by the Board of Commissioners. This discounted tap fee will be available to all customers up and until the time the final inspection is performed. After this point, the tap-on fee will revert to the District's Fee schedule and will be subject to all other applicable fees present in this section.

2. See Columbus County Utilities Water Service Schedule. See Attachment "A".

3. See Columbus County Water Service Fee Schedule. See Attachment "A".

(D) Application Fee, Deposit, Late Payment Fee, **Delinquent Account Penalty**, Reconnection Fee, Returned Check Fee, Meter Testing Fee, and Meter Tampering Fee.

See Attachment "B".

Section 31. Water System Extensions by Private Entities

(A) Private entities, including individuals, residential and commercial developers, businesses, and industries may construct extensions to the District system.

(B) Procedures for preparation and approval of plans and specifications shall conform to the Columbus County Water Policies.

(C) Materials and methods for construction of water system extensions shall conform to the Columbus County Water Distribution Standards.

(D) Reimbursement and cost sharing/participation shall comply with the Columbus County Water Policies.

Section 32. Inclusive Terms

Use of the masculine herein shall include the feminine and neuter and the singular shall include the plural.

Section 33. Governing Law

All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina.

Section 34. Notice

All notice required hereunder to be sent to the District shall be sent to the following designated address, or to such other address or addresses as may hereafter be designed by written notice of such change of address.

To County:
Columbus County Public Utilities Department
612 North Madison Street
Whiteville, N.C. 28472

Section 35. Nondiscrimination

District will take affirmative action not to discriminate against any applicant or otherwise illegally deny any person participation in or the benefits of the activities which are the subject of this document, because of race, creed, color, sex, age, disability, or national origin.

Effective Date: February 02, 2010

APPROVED and ADOPTED this 1st day of February, 2010.

Signature: /s/ **P. EDWIN RUSS**, Chairman
Columbus County Board of Commissioners

Attest By: **JUNE B. HALL**
Clerk to the Board

“Attachment A”

Water Rate Schedule

District I

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District II

1 st 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

District III

1 st 2,000 Gallons	\$25.00
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Every 1,000 Gallons Thereafter	\$ 4.00
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District IV

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District V

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00
Prison	
Every 1,000 Gallons	\$ 6.00

Guideway School

1 st 2,000 Gallons	\$22.00
Every 1,000 Gallons Thereafter	\$ 4.00

*******THIS WATER FEE SCHEDULE IS CURRENT AS OF MARCH 2007. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY*******

“Attachment B”**Application Fee**

	<u>During Construction</u>	<u>After Construction</u>
¾ Inch Meter	\$ 100.00	\$ 500.00
1 Inch Meter	\$ 450.00	\$ 750.00
2 Inch Meter	\$ 700.00	\$1,000.00

Security Deposit

Per Account	\$ 50.00
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Late Payment Fee

After Due Date	\$ 5.00
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Delinquent Account Penalty

Per Account	\$ 30.00
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Reconnection Fee

Per Account	\$ 30.00
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Return Check Fee

Per Check	\$ 25.00
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Meter Testing Fee

Per Meter	\$ 25.00
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Meter Tampering Fee

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, or both fined and imprisoned, in the discretion of the court. See Section 14-151.1 © of the North Carolina General Statute.

14-151.1**CH.14 Criminal Law****14-151.1**

14-151-.1 Interfering with electric, gas or water meters; prima facie evidence of intent to alter, tamper with or bypass electric, gas or water meters; unlawful reconnection of electricity, gas or water; civil liability.

(A) It shall be unlawful for any unauthorized person to alter, tamper with or bypass a meter which has been installed for the purpose of measuring the use of electricity, gas or water or knowingly to use electricity, gas or water passing through any such tampered meter or use electricity, gas or water bypassing a meter provided by an electric, gas or water supplier for the purpose of measuring and registering the quantity or electricity, gas or water consumed.

(B) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the electricity, gas or water consumed or which would cause the electricity, gas or water to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this diction by the person in whose name such meter is installed or the person or persons so using or receiving the benefits of such unmeasured, unregistered or diverted electricity, gas or water.

(B1) It is unlawful for any unauthorized person to reconnect electricity, gas or water connections or otherwise turn back on one or more to those utilities when they have been lawfully disconnected or turned off by the provider of the utility.

(B2) It is unlawful for any unauthorized person to alter, bypass, interfere with or cut off any load management device, equipment, or system which has been installed by the electricity supplier for the purpose of limiting the use of electricity at peak-load periods, provide, however, if there has been a written request to remove the load management device, equipment, or system to the electric supplier and the electric supplier has not removed the device within two working days, there shall be no violation of this section.

(C) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, in the discretion of the court.

(C1) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a Class 1 Misdemeanor.

(D) Whoever is found in a civil action to have violated any provision hereof shall be liable to the electric, gas or water supplier in triple the amount of losses and damages sustained or five hundred dollars (\$500.00), whichever is greater.

(E) Nothing in this section shall be constructed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards. (1977, c.735, s.1, -1983, c.508, ss.1, 2; 1989, c.119; 1983, c.539, s.89.)

ADJOURNMENT:

At 7:30 P.M., Commissioner Prevatte made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously passed.

APPROVED:

JUNE B. HALL, Clerk to Board

P. EDWIN RUSS, Chairman

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V
COMBINATION BOARD MEETING**

February 01, 2010

6:55 P.M.

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer Districts I, II, III, IV and V Board.

COMMISSIONERS PRESENT:

P. Edwin Russ, **Chairman**
Giles E. (Buddy) Byrd, **Vice Chairman**
Amon E. McKenzie
James E. Prevatte
Lynwood Norris
Ricky Bullard
Ronald Gore

APPOINTEES PRESENT:

William S. Clark, **County Manager**
Mike Stephens, **County Attorney**
June B. Hall, **Clerk to Board**
Bobbie Faircloth, **Finance Officer**

MEETING CALLED TO ORDER:

At 6:55 P.M., Chairman Russ called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

Agenda Item #14: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

January 19, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (5 sets)

Commissioner Norris made a motion to approve the January 19, 2010 Columbus County Water and Sewer District IV Board Meeting Minutes, as recorded, seconded by Commissioner Prevatte. The motion unanimously passed.

Agenda Item #15: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of REVISED UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:

Kip McClary, Public Utilities Director, requested Board approval and adoption of the **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities. **(This will be the second reading.)** A workshop was conducted on January 11, 2010, and the first reading was held at the January 19, 2010 Board Meeting.

DISCUSSION:

Kip McClary: stated the following:

1. This document is a result of the Columbus County Water Board Meeting and the workshop that was held on January 11, 2010; **and**
2. This document is presented for approval and it is the second reading.

Commissioner Prevatte: I would like to know if the Board can vote on each one of the three (3) areas of recommended revisions in lieu of voting for the entirety of the changes. Mike Stephens, County Attorney, replied stating yes.

MOTION:

Commissioner Prevatte made a motion to vote on each of the three (3) areas of the revisions to the Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, in lieu of voting for the revisions in their entirety, seconded by Commissioner Bullard.

A roll-call vote was taken with the following results:

AYES: Chairman Russ, Vice Chairman Byrd, Commissioners Prevatte, Norris Bullard and Gore; **and**
NAYS: Commissioner McKenzie.

The motion passes on a six (6) to one (1) vote.

Kip McClary: stated the following:

1. The first area of change is **Section 13. Adjustments of Overcharges, Paragraph (C)**, as follows:

(C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00. The customer's water bill for the preceding twelve months was \$25.00 for each month. The total bills combined for the preceding twelve month period was \$300.00. When you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. The customer will be responsible for the average, which is \$25.00. Sec Section 13 (C). The total adjustment made to this account would be \$75.00.

MOTION:

After discussion was conducted, Commissioner Prevatte made a motion to approve Section 13. Adjustments of Overcharges, Paragraph (C), as revised, seconded by Commissioner McKenzie.

A roll-call vote was taken with the following results:

AYES: Chairman Russ, Vice Chairman Byrd, Commissioners McKenzie, Prevatte, Norris

and Gore; **and**
NAYS: Commissioner Bullard.

The motion passes on a six (6) to one (1) vote.

2. The second area of change is we have added **Section 20.1 Procedures for Water Systems During Construction**, as follows:

Section 20.1 Procedures for Water Systems During Construction

- (A) During periods of water district construction approved by the Commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

See “Attachment B” for schedule of fees.

MOTION:

Commissioner Prevatte made a motion to approve Section 20.1 Procedures for Water Systems During Construction being added to the Uniform Rules for All Water districts and Retail Water Facilities Operated by Columbus County Public Utilities, seconded by Commissioner Bullard. The motion unanimously passed.

3. The third area of change is in **Section 26. Billing and Collecting, Paragraph (E)**, which reads as follows:
 - (E) Bills are due when rendered and become late 15 days from “Date Bill Mailed”. A late payment fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on “Due Date”. If bill is not paid within five (5) days of the due date, service may be discontinued by District, and a delinquent account penalty will be assessed. See Attachment B. The delinquent account penalty shall be waived only once per account in any twelve month period. If customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.

This is the change that has the potential to affect us the most. We have approximately one hundred twenty (120) accounts in the delinquent category every month. Forty (40) of these accounts are usually new customers who got caught in the late penalty. We have

approximately eighty (80) repeats in this category every month, but it is the forty (40) every month that we could be charging off, because typically those forty (40) that get caught for the first time, we don't have a problem with them again within the next twelve (12) months. If you calculate the forty (40) that could be charged off every month, and you charge off the thirty and 00/100 (\$30.00) dollars penalty, you could be losing one thousand, two hundred and 00/100 (\$1,200.00) dollars revenue every month.

Commissioner Prevatte: stated the following:

1. The verbiage of disconnect fee has been changed to delinquent account penalty;
2. There was no waiver of the fee previously; **and**
3. I am glad to see the verbiage changed.

Commissioner Gore: stated the following:

1. I would agree with this if it stated once in the history of the account;
2. This could result in the district losing revenue; **and**
3. It appears to me that we would be rewarding the eighty (80) customers who are repeats.

Commissioner McKenzie: stated the following:

1. My biggest concern is that the customers do not enough turn-around time to get their monthly bills paid on time; **and**
2. Some of our citizens, especially tho citizens who receive Social Security, do not receive their monthly checks early enough to meet the deadline that has been established.

Vice Chairman Byrd: I do not think that fifteen (15) days is adequate time for the bills to be received and paid.

Commissioner Bullard: Kip, did the Water Board recommend that this change be made? Mr. McClary replied stating the Water Board did not recommend that this change be made.

MOTION:

Commissioner Bullard made a motion to leave Section 26. Billing and Collecting, Paragraph (E), in the original version in the existing policy, seconded by Commissioner Gore.

SUBSTITUTE MOTION:

Commissioner McKenzie made a substitute motion that water bills go out the first of the month, go through the thirty (30) days of the month for the entire cycle, and if the bill is not paid by the 10th of the following month, they become delinquent, and the water will be cut off, seconded by Vice Chairman Byrd.

SUBSTITUTE MOTION:

Commissioner Prevatte made a substitute motion that the policy reads the bills will become delinquent by the end of the month and service will be disconnected on the 1st day of the following month, with a change in verbiage to read delinquent penalty and no waiver.

The motion dies for a lack of a second.

A roll-call vote was taken on the first substitute motion with the following results:

AYES: Vice Chairman Byrd, Commissioners McKenzie and Norris; **and**
NAYS: Chairman Russ, Commissioners Prevatte, Bullard and Gore.

The Substitute Motion fails on a four (4) to three (3) vote.

ORIGINAL MOTION:

A roll-call vote was taken on the Original Motion with the following results:

AYES: Chairman Russ, Commissioners Prevatte, Bullard and Gore; **and**
NAYS: Vice Chairman Byrd, Commissioners McKenzie and Norris.

The original motion passes on a four (4) to three (3) vote.

MOTION (for Entire Policy):

Commissioner Prevatte made a motion to approve and accept the referenced sections, with the noted changes, in the Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, as follows, seconded by Commissioner Bullard.

A roll-call vote was taken with the following results:

AYES: Chairman Russ, Commissioners Prevatte, Norris, Bullard and Gore; **and**
NAYS: Vice Chairman Byrd and Commissioner McKenzie.

The motion passes on a five (5) to two (2) vote.

Commissioner Bullard asked Kip McClary, Public Utilities Director, how many miles of water line were located in each of the water districts, and how many active customers in each water district. Mr. McClary replied stating that he would estimate that there were fifty (50) miles, give or take, in each district, and he did not have the numbers with him of the active customers in each water district.

Columbus County Public Utilities Department

Uniform Rules for All Water Districts and Retail Water Facilities
Operated by Columbus County Public Utilities

Rules Regulating the Use of Water for Facilities Operated by Columbus County and Establishing Fees and Other Charges and Providing for Collection of the Same.

Now, therefore, be it ordained by the Water District Board as follows:

Section 1. Introduction

The Public Utilities Department was created by the Water District Board and has been given the responsibility for operating, maintaining, and expanding the District's water systems. The District Board and the Water Advisory Committee (advisory board to the Board of Commissioners) are committed to making the Public Utilities Department a self-sustaining department within the County's governmental structure through rates and other fees.

In addition to the policies herein, the District has established many standards and specifications for utility design, construction, and operation, prepared by the Public Utilities Department. This handbook will describe these policies, standards, and specifications as related to public water utilities.

It shall be the philosophy and the intent of the District to provide potable water to all those citizens of the District where it is deemed economically feasible and structurally practical.

Section 2. Policy Administration/Authority

Staff administration of said policy shall be the responsibility of the County Manager, or his designee shall direct the expansion of the Public Utilities Department upon the directions and guidance of the Water District Board, and from time to time as necessity requires, make decisions developing the operations of the District's water systems and shall have the authority to make decisions necessary to ensure that the expansion and upgrade of the District's utility infrastructure is consistent with policy and philosophy. These rules and regulations are adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of providing adequate and reasonable rules and regulations to protect and regulate special County service district(s); water supply; and distribution systems in Columbus County. These rules and regulations are also adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of establishing a schedule of rates, fees, charges, and penalties for the use of, and services furnished by special County service district water supply and distribution systems in Columbus County.

Section 3. Definitions

Agent is the legal representative of a corporation or partnership that holds title to property served by the district.

Board of Commissioners is the duly elected governing body of Columbus County.

Building is a structure as defined in the North Carolina Building Code.

Commodity Charge is the unit fee for water supplied through a service meter that is normally presented as cost per one thousand gallons.

Connections are that part of the water service line that runs from the main to the property line, including all appurtenances, to make the service complete and ready to use.

Controlled by is owned, operated, or leased by.

County is Columbus.

Customer is the person legally or equitably responsible for the payment of charges for water services on any premises.

District is the one of the statutory established water service areas in the County and its designated agents.

Easement shall mean an acquired legal right for the specific use of land owned by others.

Improved Street is any street having a wearing surface or concrete, brick, stone block, asphalt, or any bituminous compound.

Lateral is that portion of the water connection which does not include meter, box, or meter setter of connection.

Main is the water pipe usually laid in a road or a street right-of-way running parallel to the property line that distributes water.

May is permissive (see “shall”).

Occupant is the customer who is actually in possession or control of any premises.

Owner is the person having legal or equitable title to any premises.

Person is an individual, firm, association, partnership, or corporation.

Premise is land, building, or other structure and appurtenances thereto.

Service Line is a water line that may service a house, business, apartments, etc. that runs from the street to the establishment being served. Service line may also be called “lateral”.

Shall is mandatory (see “may”).

Unusual Conditions is to mean delays in acquiring materials, parts, and (or) supplies, rock encountered in construction, usually severe weather, and other items or circumstances which might cause delays not under the control of the District.

Section 4. Water Laterals and Tap-On

Water laterals will be installed only at the request of the Owner or his agent. When the lateral terminates at the property line, the meter shall not be set and the lateral shall not be used until the owner of the property or his agent applies for service.

Section 5. Connections To Be Made By District Only Upon Application

The construction of water laterals within the street right-of-way and the setting of meters shall be the responsibility of the District. The construction of such lateral or the setting of such meter shall be done only after written application therefore has been approved. The only exceptions to this provision will be when a developer’s contractor in new subdivisions installs laterals and meter yokes

or commercial developments in compliance with this Document as shall be established by the District from time to time, and for initial water district(s) system construction.

Section 6. Application for Connection

Every application for water service shall list, on forms provided by the District, the property owner, the applicant's name, the street on which the lot is located, the number of the house or a description of the lot location (including PIN). This application shall be filed not less than ten (10) working days before the proposed connection is desired. Upon receipt of the application, the tap will be scheduled at the earliest possible date. Unusual conditions may be just cause for additional time in providing the service required. When the size of the service and the cost of the connection have been determined, the applicant shall deposit the previously determined cost and shall be issued a permit for the desired connection.

Section 7. Disapproval of Applicant

If, in the opinion of the District through the Water Advisory Committee, the water connection applied for will be such character as to put too great a demand on any part of the system and disrupt the District's ordinary water service requirements (30 psi system residual pressure under peak domestic flow conditions or 20 psi system residual pressure under fire flow conditions), it shall disapprove the application until such time as adequate means are provided to eliminate the unsatisfactory condition in the District's water service, the District shall require the customer to adopt remedial measures to eliminate the unsatisfactory condition. The District shall not in any way be responsible for any cost or inconvenience, in any matter, caused by a change in service requirements after an application has been approved, or by an installation before the application has been approved.

Section 8. Separate Water Connections and Meters Required

Each building shall have a separate meter, and where practicable, shall have a separate water lateral. In the event that one lateral is used for two (2) dwellings, commercial or industrial buildings, or used to serve two or more meters for the same dwelling, commercial or industrial buildings, a separate cut-off shall be provided for each meter.

However, there shall be an exception to the requirement for separate water meters in the case of groups of mobile homes or apartment developments under single ownership. In the case of said groups of mobile homes or apartment developments of more than ten (10) units, one (1) meter may be used for the entire project unless additional meters are requested by the property owner or deemed necessary by the proper District authority, and the following conditions shall be met:

- (A) All bills will be rendered to the Owner of the property.
- (B) The bill will be calculated by a minimum charge for the master meter, which shall be based on the number of units served times the minimum charge per standard $\frac{3}{4}$ inch meter. The remaining bill shall be based on the total consumption passing through the master meter times the unit commodity charge.
- (C) Should any portion of the development be sold, the owners shall be responsible for paying

whatever additional costs would be involved in bringing the divided development into compliance.

- (D) Cost of service shall be included in the rent/lease of each unit, and no individual meters shall be allowed.

In the case of group mobile homes or apartment developments where ten (10) or fewer units are involved, and where ownership is in one party, the owner may elect to have a single meter used for the entire project. Where such election is made the owner shall comply with the conditions set forth as (A), (B), (C), and (D) above.

Section 9. Connections and Meters to Remain Property of the District

All meters, boxes, vaults, pipes, and other equipment and appurtenances furnished and installed by the District in a water connection shall remain the property of the District. If, after an installation is completed, the property owner requests that a meter or lateral be changed in size and this request is approved by the District, the property owner shall pay for the change of lateral as though it were a new connection. Owner shall pay or be refunded the difference of the cost of meters in the original and new installations according to the then current price of the two meters.

Section 10. Maintenance of Meters and Connections

All meters and water laterals shall be maintained by the District at the District's expense.

Section 11. Connection to Other Than Water District Supply

No part of the District's water system shall be connected to any source of water supply other than those authorized by official action of the Water District Board. If, on any premises, both the District's water and water from any other source are used, the piping shall be completely separate.

Section 12. When Water Meters Read

All water meters or water systems controlled by the service district(s) shall be read monthly.

Section 13. Adjustments of Overcharges

The District shall have the authority to adjust any water bill after determining that the water bill is excessive, upon the approval of the appropriate Water Authority, under the following conditions:

- (A) If the cause is a defect in a water meter, the water bill shall be the average for the previous six months.
- (B) All metered water lost due to negligence on the part of the user will be charged at the normal rate, and no adjustment of the bill shall be made.
- (C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00.

The customer's water bill for the preceding twelve months was \$25.00 for each month. When you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. The customer will be responsible for the average which is \$25.00. See Section 13 (C). The total adjustment made to this account would be \$75.00

Section 14. Meter Tests

Any customer may have their meter tested upon payment of a \$25.00 fee. No more than two (2) meter tests shall be conducted within any twelve (12) month period for a given service installation. See Section 29 (B).

Section 15. Water for Temporary Purposes

Portable meters for connection to fire hydrants may be furnished by the District provided an application is filed with, and a deposit paid to the District. The actual deposit shall be as determined by the District. In no case shall the deposit exceed the cost of the meter, materials and installation cost thereof. The applicant shall be responsible for any damage to the hydrant, meter, connections, etc., used in the installation. The cost of any such damage shall be taken from the deposit. A service charge equal to the minimum monthly water bill rate for each month or part thereof shall be made for a temporary meter in addition to the cost of the water used through such meter at a rate of two (2) times the normal unit commodity charge. After deducting the water bill, service charge, and any cost of damage to the installation, the District shall refund the balance of the deposit to the applicant as soon as the meter is removed and returned to the District's stock. While in use, no wrench shall be used on the hydrant except a hydrant wrench that is furnished by the District. If scarred by unauthorized methods, the cost of equipment and/or appurtenances and labor to repair it shall be charged to the person or entity responsible for the damage. Should the water bill, service charge, and cost of damage exceed the deposit, the user shall pay the amount of such excess to the District.

Section 16. Tampering with Meters and Cutoffs

No person, except a duly authorized employee of the District, shall turn the cutoff installed in each meter box nor shall any person construct or have constructed any bypass around any meter except as may be installed and sealed by the District. The fact that water is cut on to any premises by an occupant thereof without the prior knowledge of either the District or the owner shall not relieve such premises of liability for such unauthorized use of water. Tampering will result in a fine determined by the North Carolina State Statute Ch. 14-151-1.

Section 17. No Guarantee of Quality. Quantity of Pressure of Water Supply Notice to be Given when Water is to be Cut Off.

The District does not guarantee the quality, quantity, flow rate, or pressure of its water supply. It is hereby made a portion of the terms on which the District furnishes water to customer that the District in no case shall be liable to any customer for any defect in quality or any deficiency in quantity, flow rate, or pressure; that the District shall not be liable to any customer for damages resulting from the complete or partial cutting off of water; and no deduction shall be made from any water bill by reason of any such defect or deficiency. Reasonable notice shall be given when the water is to be cut-off from any portion of a water system controlled by the District. No District employee shall be responsible for telling a property owner or occupant how best to care for his

boiler, water heater, or other equipment, which is affected by the discontinuance, either temporary or permanent, of his water supply. The owner or occupant shall be entirely responsible for his equipment and shall hold the District in no way responsible for damage thereof.

Section 18. Protection of Water Supply

No person shall contaminate any portion of the District's water supply whether the same is in a reservoir, tank, or pipe.

Section 19. Repealing Clause

If any section, paragraph, subdivision, clause, or provision of these rules and regulations shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these rules and regulations shall be deemed valid and effective.

Section 20. Procedures

- (A) Service will be supplied only to those who apply.
- (B) Users will make application for service, in person, with valid photo identification, at the office of the designated District Department, and at the same time make the deposit guarantee required hereafter.
- (C) The District may reject any application for services not available under a standard rate or that involves excessive service cost, or which may affect the supply of service to other customers, or for other good and sufficient reasons.
- (D) The District may reject any application for service when the applicant is delinquent in any payment of any bills incurred for service or connection fees previously supplied at any location. When the Owner of the premises has been served water and has not paid for the same, the District shall not be required to render services to anyone at said location where the water was used until said water bill has been paid.
- (E) All users will make a cash deposit in the amount determined by the District. Deposits shall not draw interest for user and/or owner. All users who qualify as mobile home parks or multi-family shall make a deposit equal to the number of unit's times the deposit the amount for a single residential service.
- (F) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.
- (G) A separate deposit is required for each meter and/or service connection requested.
- (H) The deposit required by this document or part remaining thereof will be refunded upon payment of final bill and final accounting.

Section 20.1 Procedures for water Systems During Construction

- (A) During periods of water district construction approved by the Commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

See “Attachment B” for schedule of fees.

Section 21. Initial or Minimum Charge

The initial or minimum charge, as provided in the rate schedule, shall be made for each service meter installed, regardless of location. See Attachment “A”. Thirty (30) days after water service has been installed, all users shall be billed at the minimum monthly charge.

Section 22. District’s Responsibility and Liability

- (A) The District shall run a service or lateral line from its distribution main to the property line where the distribution main runs immediately adjacent to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.
- (B) The District may install a meter within the North Carolina Department of Transportation Encroachment line or at the District’s option, on the customer’s property in a location mutually agreed upon. For meter installations on customer’s property, an easement for the service line and meter installation may be granted to the District.
- (C) When two (2) or more meters are to be installed on the same premises for different customers, they shall be closely grouped as reasonably possible and each clearly designated to which customer it applies.
- (D) The District Utilities Department does not assume responsibility for inspecting the customer’s plumbing, piping, or water conveyance and use appurtenances.
- (E) The District reserves the right to refuse service unless the customer’s lines or piping are installed in such a manner as to prevent cross-connections or backflow.
- (F) The District shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the customer’s premises, unless such damage results directly from gross negligence on the part of the District. The District shall not be responsible for any damage

done by, or resulting from any defect in the piping, fixtures, or appliances on the customer's premises. The District shall not be responsible for any negligence of third persons or forces beyond the control of the District resulting in an interruption of service.

- (G) Under normal conditions, the customer will be notified of any anticipated interruptions of service.

Section 23. Customer's Responsibility

- (A) Piping on the customer's premises must be so arranged that the connections are in a convenient location with respect to the District's lines or mains.
- (B) If the customer's piping on customer's premises is so arranged that the District is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- (C) Where a meter is placed on premises of a customer, a suitable place shall be provided by the customer for placing such meter, unobstructed and accessible at all times to the meter reader. An easement for the service line and the meter shall be granted to the District.
- (D) The customer shall furnish and maintain the service line on the customer's side of the meter. The District to provide same service on the District's side of such meter.
- (E) The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense in a safe and efficient manner; in accordance with the District's rules, regulations, and ordinances, and in full compliance with the North Carolina Building Code and the sanitary regulations of the North Carolina Division of Environmental Health.
- (F) The customer shall reasonably guarantee proper protection for all property controlled by the District and placed on the customer's premises by the District or any predecessor in interest to the District and shall permit to it only by authorized representatives of the District.
- (G) In the event that any loss or damage to such property or any accident or injury to persons or property is caused by or results from negligence or wrongful act of the customer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the District and any liability otherwise resulting shall be assumed by the customer.
- (H) The amount if such loss or damage or the cost of repairs shall be added to the customer's bill, and if not paid, service may be discontinued by the District.

Section 24. Access to Premises

Duly authorized agents of the District shall have access during all reasonable hours to the premises of the customer for the purpose of installing or removing property controlled by the District, inspecting piping, reading or testing meters, or for any other purpose in connection with the District's services and facilities.

Section 25. Change of Occupancy

- (A) Not less than three days notice must be given in person or not less than five days in writing, if mailed, to discontinue service for a change in occupancy. Such notice shall be given at the District office, which has responsibility for management of service accounts.
- (B) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.

Section 26. Billing and Collecting

- (A) Meters will be read and bills rendered as follows:
 - 1. Meters will be read once a month, and billing will be accomplished once per month.
 - 2. The District reserves the right to vary the date of meter readings and billing or length of period for billing temporarily or permanently if necessary or desirable.
- (B) Bills for water will be calculated in accordance with the District's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter reading.
- (C) Charge for service shall commence when service is installed, and water distribution main is tested and accepted. The first billing may be sixty (60) days from the installation. The exception to this provision is for owner or developer constructed water facilities including services, and in this case charge for service shall commence when an application is made a meter is set.
- (D) Reading for different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different customers, or for the same of different services.
- (E) Bills are due when rendered and become delinquent 15 days from "Date Bill Mailed". A delinquent fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on "Due Date". If bill is not paid within five (5) days of the due date, service may be discontinued by District, and if customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.
- (F) Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the customer from payment.
- (G) If a check is returned for insufficient funds on a disconnection/reconnection for nonpayment on account, the service will be cut off immediately and meter removed. If a check is returned for insufficient funds on a reconnection with a deposit, the service will be cut off immediately and meter removed. When a check is returned for insufficient funds on an active account, the District will notify the customer by phone or letter of this transaction, requesting immediate payment of the check and a \$25.00 service charge. If the cash payment is not received within a month, the service will be disconnected during the next billing cycle and the meter is removed.

- (H) If the check is returned for Non-Sufficient Funds or Closed Account, the District may pursue any legal options available.

Section 27. Suspension of Service

- (A) Upon discontinuance of service for non-payment of bills, the District may proceed to collect the balance as provided by law for the collection of debts.
- (B) A service discontinued for non-payment of bills will be restored only after bills are paid in full, and a service charge determined by the District is paid for each meter reconnected. In addition, a \$30.00 service charge is applicable when meter is reconnected as a result of voluntary disconnection requested by the property owner. The District may, from time to time, increase this service charge. Request for restoration of service will be honored on the day requested provided the payment is made by 5:00 P.M.; otherwise, the restoration of service will be made the next workday. There will be no reconnections after 5:00 P.M.
- (C) A penalty of \$50.00 will be charged if the seal is broken on any locked meter and water is used. However, a penalty of twice the first amount will be charges for the second and all subsequent occurrences. The penalty must be paid in full before any reconnections to the water system are made.
- (D) After a connection has been discontinued for a period of twelve (12) consecutive months, the District may remove the meter base, meter, curb stop valve, meter box, and service line for use elsewhere.
- (E) At any time after the meter base, meter, curb stop valve, and meter box have been removed in addition to the service charge set forth in subsection © above, and additional service charge equal to the then tap-on fee shall be paid as a reconnection fee. In addition, the customer must make the required deposit.
- (F) The District reserves the right to discontinue its service without notice for the following additional reasons, but not exclusively:
1. To prevent fraud or abuse.
 2. Emergency repairs.
 3. Insufficiency of supply due to circumstances beyond the District's control.
 4. Legal processes.
 5. Direction of public authorities.
 6. Strike, riot, fire, flood, accident, or any unavoidable cause.
 7. Customer's negligence
 8. Acts of God.

- (G) The District may, in addition to prosecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device.

Section 28. Termination Clause

A customer can disconnect from the system after paying the cost of the tap into the account. The customer may pay a disconnect fee of \$25.00 to have the meter removed if the meter is replaced the customer could at that time pay a reconnect fee of \$25.00. The disconnect by the Department will be within a reasonable time after the customer’s request.

Section 29. Complaints – Adjustments

- (A) If the customer believes his bill to be in error, he shall present his claim, in person, at the District Office managing the water accounts before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The customer may pay such bill under protest, and said payment shall not prejudice his claim.
- (B) The District will make special meter readings at the request of the customer for a \$25.00 fee provided; however, that if such special reading discloses that the meter was over read; or in error in any way, the fee will be refunded. See Section 14.
- (C) The Order of the Appeals Process is as follows:
 - 1. Office Manager
 - 2. Water Advisory Board
 - 3. Utilities Director
 - 4. Water Advisory Board

Each person or persons will have thirty (30) days in which to review the complaint. The Water Advisory Board meets quarterly, in which the complaint will be heard within a reasonable time after complaint if filed pursuant to stipulations of this document.

- (D) No modifications of rates or the rules and regulations shall be made by any employee of the District as it relates to (A), (B), and © above.

Section 30. Classifications, Rates, Fees, and Charges - See Attachment “A”

The following classifications, rates, fees, assessments, and charges are adopted:

- (A) Classification of Service

All services are classified under two (2) categories to include residential or commercial users. A residential service is a service requiring a meter size up to and including one (1) inch. All other services shall be classified commercial.

- (B) Rate Schedule

- 1. Residential:

Rates will be established and approved from time to time by the Water District Board.

2. Commercial:

Rates will be established and approved from time to time by the Water District Board.

(C) Tap-On Fees

1. Tap-On Fee:

A discounted tap-on fee may be offered to a residence located within the district during the time of formation or additions, per Attachment B, as approved by the Board of Commissioners. This discounted tap fee will be available to all customers up and until the time the final inspection is performed. After this point, the tap-on fee will revert to the District's Fee schedule and will be subject to all other applicable fees present in this section.

2. See Columbus County Utilities Water Service Schedule. See Attachment "A".

3. See Columbus County Water Service Fee Schedule. See Attachment "A".

(D) Application Fee, Deposit, Late Payment Fee, **Delinquent Account Penalty**, Reconnection Fee, Returned Check Fee, Meter Testing Fee, and Meter Tampering Fee.

See Attachment "B".

Section 31. Water System Extensions by Private Entities

(A) Private entities, including individuals, residential and commercial developers, businesses, and industries may construct extensions to the District system.

(B) Procedures for preparation and approval of plans and specifications shall conform to the Columbus County Water Policies.

(C) Materials and methods for construction of water system extensions shall conform to the Columbus County Water Distribution Standards.

(D) Reimbursement and cost sharing/participation shall comply with the Columbus County Water Policies.

Section 32. Inclusive Terms

Use of the masculine herein shall include the feminine and neuter and the singular shall include the plural.

Section 33. Governing Law

All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina.

Section 34. Notice

All notice required hereunder to be sent to the District shall be sent to the following designated address, or to such other address or addresses as may hereafter be designed by written notice of such change of address.

To County:
Columbus County Public Utilities Department
612 North Madison Street
Whiteville, N.C. 28472

Section 35. Nondiscrimination

District will take affirmative action not to discriminate against any applicant or otherwise illegally deny any person participation in or the benefits of the activities which are the subject of this document, because of race, creed, color, sex, age, disability, or national origin.

Effective Date: February 02, 2010

APPROVED and ADOPTED this 1st day of February, 2010.

Signature: /s/ **P. EDWIN RUSS**, Chairman
Columbus County Board of Commissioners

Attest By: **JUNE B. HALL**
Clerk to the Board

“Attachment A”

Water Rate Schedule

District I

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District II

1 st 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

District III

1 st 2,000 Gallons	\$25.00
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Every 1,000 Gallons Thereafter	\$ 4.00
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District IV

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District V

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00
Prison	
Every 1,000 Gallons	\$ 6.00

Guideway School

1 st 2,000 Gallons	\$22.00
Every 1,000 Gallons Thereafter	\$ 4.00

*******THIS WATER FEE SCHEDULE IS CURRENT AS OF MARCH 2007. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY*******

“Attachment B”**Application Fee**

	<u>During Construction</u>	<u>After Construction</u>
¾ Inch Meter	\$ 100.00	\$ 500.00
1 Inch Meter	\$ 450.00	\$ 750.00
2 Inch Meter	\$ 700.00	\$1,000.00

Security Deposit

Per Account	\$ 50.00
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Late Payment Fee

After Due Date	\$ 5.00
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Delinquent Account Penalty

Per Account	\$ 30.00
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Reconnection Fee

Per Account	\$ 30.00
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Return Check Fee

Per Check	\$ 25.00
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Meter Testing Fee

Per Meter	\$ 25.00
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Meter Tampering Fee

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, or both fined and imprisoned, in the discretion of the court. See Section 14-151.1 © of the North Carolina General Statute.

14-151.1**CH.14 Criminal Law****14-151.1****14-151-1 Interfering with electric, gas or water meters; prima facie evidence of intent to alter, tamper with or bypass electric, gas or water meters; unlawful reconnection of electricity, gas or water; civil liability.**

(A) It shall be unlawful for any unauthorized person to alter, tamper with or bypass a meter which has been installed for the purpose of measuring the use of electricity, gas or water or knowingly to use electricity, gas or water passing through any such tampered meter or use electricity, gas or water bypassing a meter provided by an electric, gas or water supplier for the purpose of measuring and registering the quantity or electricity, gas or water consumed.

(B) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the electricity, gas or water consumed or which would cause the electricity, gas or water to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this diction by the person in whose name such meter is installed or the person or persons so using or receiving the benefits of such unmeasured, unregistered or diverted electricity, gas or water.

(B1) It is unlawful for any unauthorized person to reconnect electricity, gas or water connections or otherwise turn back on one or more to those utilities when they have been lawfully disconnected or turned off by the provider of the utility.

(B2) It is unlawful for any unauthorized person to alter, bypass, interfere with or cut off any load management device, equipment, or system which has been installed by the electricity supplier for the purpose of limiting the use of electricity at peak-load periods, provide, however, if there has been a written request to remove the load management device, equipment, or system to the electric supplier and the electric supplier has not removed the device within two working days, there shall be no violation of this section.

(C) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, in the discretion of the court.

(C1) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a Class 1 Misdemeanor.

(D) Whoever is found in a civil action to have violated any provision hereof shall be liable to the electric, gas or water supplier in triple the amount of losses and damages sustained or five hundred dollars (\$500.00), whichever is greater.

(E) Nothing in this section shall be constructed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards. (1977, c.735, s.1, -1983, c.508, ss.1, 2; 1989, c.119; 1983, c.539, s.89.)

ADJOURNMENT:

At 7:30 P.M., Commissioner Prevatte made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously passed.

APPROVED:

JUNE B. HALL, Clerk to Board

P. EDWIN RUSS, Chairman

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V
COMBINATION BOARD MEETING**

February 01, 2010

6:55 P.M.

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer Districts I, II, III, IV and V Board.

COMMISSIONERS PRESENT:

P. Edwin Russ, **Chairman**
Giles E. (Buddy) Byrd, **Vice Chairman**
Amon E. McKenzie
James E. Prevatte
Lynwood Norris
Ricky Bullard
Ronald Gore

APPOINTEES PRESENT:

William S. Clark, **County Manager**
Mike Stephens, **County Attorney**
June B. Hall, **Clerk to Board**
Bobbie Faircloth, **Finance Officer**

MEETING CALLED TO ORDER:

At 6:55 P.M., Chairman Russ called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

Agenda Item #14: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

January 19, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (5 sets)

Commissioner Norris made a motion to approve the January 19, 2010 Columbus County Water and Sewer District V Board Meeting Minutes, as recorded, seconded by Commissioner Prevatte. The motion unanimously passed.

Agenda Item #15: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of REVISED UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:

Kip McClary, Public Utilities Director, requested Board approval and adoption of the **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities. **(This will be the second reading.)** A workshop was conducted on January 11, 2010, and the first reading was held at the January 19, 2010 Board Meeting.

DISCUSSION:

Kip McClary: stated the following:

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1. This document is a result of the Columbus County Water Board Meeting and the workshop that was held on January 11, 2010; **and**
2. This document is presented for approval and it is the second reading.

Commissioner Prevatte: I would like to know if the Board can vote on each one of the three (3) areas of recommended revisions in lieu of voting for the entirety of the changes. Mike Stephens, County Attorney, replied stating yes.

MOTION:

Commissioner Prevatte made a motion to vote on each of the three (3) areas of the revisions to the Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, in lieu of voting for the revisions in their entirety, seconded by Commissioner Bullard.

A roll-call vote was taken with the following results:

AYES: Chairman Russ, Vice Chairman Byrd, Commissioners Prevatte, Norris Bullard and Gore; **and**
NAYS: Commissioner McKenzie.

The motion passes on a six (6) to one (1) vote.

Kip McClary: stated the following:

1. The first area of change is **Section 13. Adjustments of Overcharges, Paragraph (C)**, as follows:

(C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00. The customer's water bill for the preceding twelve months was \$25.00 for each month. The total bills combined for the preceding twelve month period was \$300.00. When you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. The customer will be responsible for the average, which is \$25.00. Sec Section 13 (C). The total adjustment made to this account would be \$75.00.

MOTION:

After discussion was conducted, Commissioner Prevatte made a motion to approve Section 13. Adjustments of Overcharges, Paragraph (C), as revised, seconded by Commissioner McKenzie.

A roll-call vote was taken with the following results:

AYES: Chairman Russ, Vice Chairman Byrd, Commissioners McKenzie, Prevatte, Norris

and Gore; **and**
NAYS: Commissioner Bullard.

The motion passes on a six (6) to one (1) vote.

2. The second area of change is we have added **Section 20.1 Procedures for Water Systems During Construction**, as follows:

Section 20.1 Procedures for Water Systems During Construction

- (A) During periods of water district construction approved by the Commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

See “Attachment B” for schedule of fees.

MOTION:

Commissioner Prevatte made a motion to approve Section 20.1 Procedures for Water Systems During Construction being added to the Uniform Rules for All Water districts and Retail Water Facilities Operated by Columbus County Public Utilities, seconded by Commissioner Bullard. The motion unanimously passed.

3. The third area of change is in **Section 26. Billing and Collecting, Paragraph (E)**, which reads as follows:
 - (E) Bills are due when rendered and become late 15 days from “Date Bill Mailed”. A late payment fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on “Due Date”. If bill is not paid within five (5) days of the due date, service may be discontinued by District, and a delinquent account penalty will be assessed. See Attachment B. The delinquent account penalty shall be waived only once per account in any twelve month period. If customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.

This is the change that has the potential to affect us the most. We have approximately one hundred twenty (120) accounts in the delinquent category every month. Forty (40) of these accounts are usually new customers who got caught in the late penalty. We have

approximately eighty (80) repeats in this category every month, but it is the forty (40) every month that we could be charging off, because typically those forty (40) that get caught for the first time, we don't have a problem with them again within the next twelve (12) months. If you calculate the forty (40) that could be charged off every month, and you charge off the thirty and 00/100 (\$30.00) dollars penalty, you could be losing one thousand, two hundred and 00/100 (\$1,200.00) dollars revenue every month.

Commissioner Prevatte: stated the following:

1. The verbiage of disconnect fee has been changed to delinquent account penalty;
2. There was no waiver of the fee previously; **and**
3. I am glad to see the verbiage changed.

Commissioner Gore: stated the following:

1. I would agree with this if it stated once in the history of the account;
2. This could result in the district losing revenue; **and**
3. It appears to me that we would be rewarding the eighty (80) customers who are repeats.

Commissioner McKenzie: stated the following:

1. My biggest concern is that the customers do not enough turn-around time to get their monthly bills paid on time; **and**
2. Some of our citizens, especially tho citizens who receive Social Security, do not receive their monthly checks early enough to meet the deadline that has been established.

Vice Chairman Byrd: I do not think that fifteen (15) days is adequate time for the bills to be received and paid.

Commissioner Bullard: Kip, did the Water Board recommend that this change be made? Mr. McClary replied stating the Water Board did not recommend that this change be made.

MOTION:

Commissioner Bullard made a motion to leave Section 26. Billing and Collecting, Paragraph (E), in the original version in the existing policy, seconded by Commissioner Gore.

SUBSTITUTE MOTION:

Commissioner McKenzie made a substitute motion that water bills go out the first of the month, go through the thirty (30) days of the month for the entire cycle, and if the bill is not paid by the 10th of the following month, they become delinquent, and the water will be cut off, seconded by Vice Chairman Byrd.

SUBSTITUTE MOTION:

Commissioner Prevatte made a substitute motion that the policy reads the bills will become delinquent by the end of the month and service will be disconnected on the 1st day of the following month, with a change in verbiage to read delinquent penalty and no waiver.

The motion dies for a lack of a second.

A roll-call vote was taken on the first substitute motion with the following results:

AYES: Vice Chairman Byrd, Commissioners McKenzie and Norris; **and**
NAYS: Chairman Russ, Commissioners Prevatte, Bullard and Gore.

The Substitute Motion fails on a four (4) to three (3) vote.

ORIGINAL MOTION:

A roll-call vote was taken on the Original Motion with the following results:

AYES: Chairman Russ, Commissioners Prevatte, Bullard and Gore; **and**
NAYS: Vice Chairman Byrd, Commissioners McKenzie and Norris.

The original motion passes on a four (4) to three (3) vote.

MOTION (for Entire Policy):

Commissioner Prevatte made a motion to approve and accept the referenced sections, with the noted changes, in the Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, as follows, seconded by Commissioner Bullard.

A roll-call vote was taken with the following results:

AYES: Chairman Russ, Commissioners Prevatte, Norris, Bullard and Gore; **and**
NAYS: Vice Chairman Byrd and Commissioner McKenzie.

The motion passes on a five (5) to two (2) vote.

Commissioner Bullard asked Kip McClary, Public Utilities Director, how many miles of water line were located in each of the water districts, and how many active customers in each water district. Mr. McClary replied stating that he would estimate that there were fifty (50) miles, give or take, in each district, and he did not have the numbers with him of the active customers in each water district.

Columbus County Public Utilities Department

Uniform Rules for All Water Districts and Retail Water Facilities
Operated by Columbus County Public Utilities

Rules Regulating the Use of Water for Facilities Operated by Columbus County and Establishing Fees and Other Charges and Providing for Collection of the Same.

Now, therefore, be it ordained by the Water District Board as follows:

Section 1. Introduction

The Public Utilities Department was created by the Water District Board and has been given the responsibility for operating, maintaining, and expanding the District's water systems. The District Board and the Water Advisory Committee (advisory board to the Board of Commissioners) are committed to making the Public Utilities Department a self-sustaining department within the County's governmental structure through rates and other fees.

In addition to the policies herein, the District has established many standards and specifications for utility design, construction, and operation, prepared by the Public Utilities Department. This handbook will describe these policies, standards, and specifications as related to public water utilities.

It shall be the philosophy and the intent of the District to provide potable water to all those citizens of the District where it is deemed economically feasible and structurally practical.

Section 2. Policy Administration/Authority

Staff administration of said policy shall be the responsibility of the County Manager, or his designee shall direct the expansion of the Public Utilities Department upon the directions and guidance of the Water District Board, and from time to time as necessity requires, make decisions developing the operations of the District's water systems and shall have the authority to make decisions necessary to ensure that the expansion and upgrade of the District's utility infrastructure is consistent with policy and philosophy. These rules and regulations are adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of providing adequate and reasonable rules and regulations to protect and regulate special County service district(s); water supply; and distribution systems in Columbus County. These rules and regulations are also adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of establishing a schedule of rates, fees, charges, and penalties for the use of, and services furnished by special County service district water supply and distribution systems in Columbus County.

Section 3. Definitions

Agent is the legal representative of a corporation or partnership that holds title to property served by the district.

Board of Commissioners is the duly elected governing body of Columbus County.

Building is a structure as defined in the North Carolina Building Code.

Commodity Charge is the unit fee for water supplied through a service meter that is normally presented as cost per one thousand gallons.

Connections are that part of the water service line that runs from the main to the property line, including all appurtenances, to make the service complete and ready to use.

Controlled by is owned, operated, or leased by.

County is Columbus.

Customer is the person legally or equitably responsible for the payment of charges for water services on any premises.

District is the one of the statutory established water service areas in the County and its designated agents.

Easement shall mean an acquired legal right for the specific use of land owned by others.

Improved Street is any street having a wearing surface or concrete, brick, stone block, asphalt, or any bituminous compound.

Lateral is that portion of the water connection which does not include meter, box, or meter setter of connection.

Main is the water pipe usually laid in a road or a street right-of-way running parallel to the property line that distributes water.

May is permissive (see “shall”).

Occupant is the customer who is actually in possession or control of any premises.

Owner is the person having legal or equitable title to any premises.

Person is an individual, firm, association, partnership, or corporation.

Premise is land, building, or other structure and appurtenances thereto.

Service Line is a water line that may service a house, business, apartments, etc. that runs from the street to the establishment being served. Service line may also be called “lateral”.

Shall is mandatory (see “may”).

Unusual Conditions is to mean delays in acquiring materials, parts, and (or) supplies, rock encountered in construction, usually severe weather, and other items or circumstances which might cause delays not under the control of the District.

Section 4. Water Laterals and Tap-On

Water laterals will be installed only at the request of the Owner or his agent. When the lateral terminates at the property line, the meter shall not be set and the lateral shall not be used until the owner of the property or his agent applies for service.

Section 5. Connections To Be Made By District Only Upon Application

The construction of water laterals within the street right-of-way and the setting of meters shall be the responsibility of the District. The construction of such lateral or the setting of such meter shall be done only after written application therefore has been approved. The only exceptions to this provision will be when a developer’s contractor in new subdivisions installs laterals and meter yokes

or commercial developments in compliance with this Document as shall be established by the District from time to time, and for initial water district(s) system construction.

Section 6. Application for Connection

Every application for water service shall list, on forms provided by the District, the property owner, the applicant's name, the street on which the lot is located, the number of the house or a description of the lot location (including PIN). This application shall be filed not less than ten (10) working days before the proposed connection is desired. Upon receipt of the application, the tap will be scheduled at the earliest possible date. Unusual conditions may be just cause for additional time in providing the service required. When the size of the service and the cost of the connection have been determined, the applicant shall deposit the previously determined cost and shall be issued a permit for the desired connection.

Section 7. Disapproval of Applicant

If, in the opinion of the District through the Water Advisory Committee, the water connection applied for will be such character as to put too great a demand on any part of the system and disrupt the District's ordinary water service requirements (30 psi system residual pressure under peak domestic flow conditions or 20 psi system residual pressure under fire flow conditions), it shall disapprove the application until such time as adequate means are provided to eliminate the unsatisfactory condition in the District's water service, the District shall require the customer to adopt remedial measures to eliminate the unsatisfactory condition. The District shall not in any way be responsible for any cost or inconvenience, in any matter, caused by a change in service requirements after an application has been approved, or by an installation before the application has been approved.

Section 8. Separate Water Connections and Meters Required

Each building shall have a separate meter, and where practicable, shall have a separate water lateral. In the event that one lateral is used for two (2) dwellings, commercial or industrial buildings, or used to serve two or more meters for the same dwelling, commercial or industrial buildings, a separate cut-off shall be provided for each meter.

However, there shall be an exception to the requirement for separate water meters in the case of groups of mobile homes or apartment developments under single ownership. In the case of said groups of mobile homes or apartment developments of more than ten (10) units, one (1) meter may be used for the entire project unless additional meters are requested by the property owner or deemed necessary by the proper District authority, and the following conditions shall be met:

- (A) All bills will be rendered to the Owner of the property.
- (B) The bill will be calculated by a minimum charge for the master meter, which shall be based on the number of units served times the minimum charge per standard $\frac{3}{4}$ inch meter. The remaining bill shall be based on the total consumption passing through the master meter times the unit commodity charge.
- (C) Should any portion of the development be sold, the owners shall be responsible for paying

whatever additional costs would be involved in bringing the divided development into compliance.

- (D) Cost of service shall be included in the rent/lease of each unit, and no individual meters shall be allowed.

In the case of group mobile homes or apartment developments where ten (10) or fewer units are involved, and where ownership is in one party, the owner may elect to have a single meter used for the entire project. Where such election is made the owner shall comply with the conditions set forth as (A), (B), (C), and (D) above.

Section 9. Connections and Meters to Remain Property of the District

All meters, boxes, vaults, pipes, and other equipment and appurtenances furnished and installed by the District in a water connection shall remain the property of the District. If, after an installation is completed, the property owner requests that a meter or lateral be changed in size and this request is approved by the District, the property owner shall pay for the change of lateral as though it were a new connection. Owner shall pay or be refunded the difference of the cost of meters in the original and new installations according to the then current price of the two meters.

Section 10. Maintenance of Meters and Connections

All meters and water laterals shall be maintained by the District at the District's expense.

Section 11. Connection to Other Than Water District Supply

No part of the District's water system shall be connected to any source of water supply other than those authorized by official action of the Water District Board. If, on any premises, both the District's water and water from any other source are used, the piping shall be completely separate.

Section 12. When Water Meters Read

All water meters or water systems controlled by the service district(s) shall be read monthly.

Section 13. Adjustments of Overcharges

The District shall have the authority to adjust any water bill after determining that the water bill is excessive, upon the approval of the appropriate Water Authority, under the following conditions:

- (A) If the cause is a defect in a water meter, the water bill shall be the average for the previous six months.
- (B) All metered water lost due to negligence on the part of the user will be charged at the normal rate, and no adjustment of the bill shall be made.
- (C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00.

The customer's water bill for the preceding twelve months was \$25.00 for each month. When you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. The customer will be responsible for the average which is \$25.00. See Section 13 (C). The total adjustment made to this account would be \$75.00

Section 14. Meter Tests

Any customer may have their meter tested upon payment of a \$25.00 fee. No more than two (2) meter tests shall be conducted within any twelve (12) month period for a given service installation. See Section 29 (B).

Section 15. Water for Temporary Purposes

Portable meters for connection to fire hydrants may be furnished by the District provided an application is filed with, and a deposit paid to the District. The actual deposit shall be as determined by the District. In no case shall the deposit exceed the cost of the meter, materials and installation cost thereof. The applicant shall be responsible for any damage to the hydrant, meter, connections, etc., used in the installation. The cost of any such damage shall be taken from the deposit. A service charge equal to the minimum monthly water bill rate for each month or part thereof shall be made for a temporary meter in addition to the cost of the water used through such meter at a rate of two (2) times the normal unit commodity charge. After deducting the water bill, service charge, and any cost of damage to the installation, the District shall refund the balance of the deposit to the applicant as soon as the meter is removed and returned to the District's stock. While in use, no wrench shall be used on the hydrant except a hydrant wrench that is furnished by the District. If scarred by unauthorized methods, the cost of equipment and/or appurtenances and labor to repair it shall be charged to the person or entity responsible for the damage. Should the water bill, service charge, and cost of damage exceed the deposit, the user shall pay the amount of such excess to the District.

Section 16. Tampering with Meters and Cutoffs

No person, except a duly authorized employee of the District, shall turn the cutoff installed in each meter box nor shall any person construct or have constructed any bypass around any meter except as may be installed and sealed by the District. The fact that water is cut on to any premises by an occupant thereof without the prior knowledge of either the District or the owner shall not relieve such premises of liability for such unauthorized use of water. Tampering will result in a fine determined by the North Carolina State Statute Ch. 14-151-1.

Section 17. No Guarantee of Quality. Quantity of Pressure of Water Supply Notice to be Given when Water is to be Cut Off.

The District does not guarantee the quality, quantity, flow rate, or pressure of its water supply. It is hereby made a portion of the terms on which the District furnishes water to customer that the District in no case shall be liable to any customer for any defect in quality or any deficiency in quantity, flow rate, or pressure; that the District shall not be liable to any customer for damages resulting from the complete or partial cutting off of water; and no deduction shall be made from any water bill by reason of any such defect or deficiency. Reasonable notice shall be given when the water is to be cut-off from any portion of a water system controlled by the District. No District employee shall be responsible for telling a property owner or occupant how best to care for his

boiler, water heater, or other equipment, which is affected by the discontinuance, either temporary or permanent, of his water supply. The owner or occupant shall be entirely responsible for his equipment and shall hold the District in no way responsible for damage thereof.

Section 18. Protection of Water Supply

No person shall contaminate any portion of the District's water supply whether the same is in a reservoir, tank, or pipe.

Section 19. Repealing Clause

If any section, paragraph, subdivision, clause, or provision of these rules and regulations shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these rules and regulations shall be deemed valid and effective.

Section 20. Procedures

- (A) Service will be supplied only to those who apply.
- (B) Users will make application for service, in person, with valid photo identification, at the office of the designated District Department, and at the same time make the deposit guarantee required hereafter.
- (C) The District may reject any application for services not available under a standard rate or that involves excessive service cost, or which may affect the supply of service to other customers, or for other good and sufficient reasons.
- (D) The District may reject any application for service when the applicant is delinquent in any payment of any bills incurred for service or connection fees previously supplied at any location. When the Owner of the premises has been served water and has not paid for the same, the District shall not be required to render services to anyone at said location where the water was used until said water bill has been paid.
- (E) All users will make a cash deposit in the amount determined by the District. Deposits shall not draw interest for user and/or owner. All users who qualify as mobile home parks or multi-family shall make a deposit equal to the number of unit's times the deposit the amount for a single residential service.
- (F) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.
- (G) A separate deposit is required for each meter and/or service connection requested.
- (H) The deposit required by this document or part remaining thereof will be refunded upon payment of final bill and final accounting.

Section 20.1 Procedures for water Systems During Construction

- (A) During periods of water district construction approved by the Commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

See “Attachment B” for schedule of fees.

Section 21. Initial or Minimum Charge

The initial or minimum charge, as provided in the rate schedule, shall be made for each service meter installed, regardless of location. See Attachment “A”. Thirty (30) days after water service has been installed, all users shall be billed at the minimum monthly charge.

Section 22. District’s Responsibility and Liability

- (A) The District shall run a service or lateral line from its distribution main to the property line where the distribution main runs immediately adjacent to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.
- (B) The District may install a meter within the North Carolina Department of Transportation Encroachment line or at the District’s option, on the customer’s property in a location mutually agreed upon. For meter installations on customer’s property, an easement for the service line and meter installation may be granted to the District.
- (C) When two (2) or more meters are to be installed on the same premises for different customers, they shall be closely grouped as reasonably possible and each clearly designated to which customer it applies.
- (D) The District Utilities Department does not assume responsibility for inspecting the customer’s plumbing, piping, or water conveyance and use appurtenances.
- (E) The District reserves the right to refuse service unless the customer’s lines or piping are installed in such a manner as to prevent cross-connections or backflow.
- (F) The District shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the customer’s premises, unless such damage results directly from gross negligence on the part of the District. The District shall not be responsible for any damage

done by, or resulting from any defect in the piping, fixtures, or appliances on the customer's premises. The District shall not be responsible for any negligence of third persons or forces beyond the control of the District resulting in an interruption of service.

- (G) Under normal conditions, the customer will be notified of any anticipated interruptions of service.

Section 23. Customer's Responsibility

- (A) Piping on the customer's premises must be so arranged that the connections are in a convenient location with respect to the District's lines or mains.
- (B) If the customer's piping on customer's premises is so arranged that the District is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- (C) Where a meter is placed on premises of a customer, a suitable place shall be provided by the customer for placing such meter, unobstructed and accessible at all times to the meter reader. An easement for the service line and the meter shall be granted to the District.
- (D) The customer shall furnish and maintain the service line on the customer's side of the meter. The District to provide same service on the District's side of such meter.
- (E) The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense in a safe and efficient manner; in accordance with the District's rules, regulations, and ordinances, and in full compliance with the North Carolina Building Code and the sanitary regulations of the North Carolina Division of Environmental Health.
- (F) The customer shall reasonably guarantee proper protection for all property controlled by the District and placed on the customer's premises by the District or any predecessor in interest to the District and shall permit to it only by authorized representatives of the District.
- (G) In the event that any loss or damage to such property or any accident or injury to persons or property is caused by or results from negligence or wrongful act of the customer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the District and any liability otherwise resulting shall be assumed by the customer.
- (H) The amount if such loss or damage or the cost of repairs shall be added to the customer's bill, and if not paid, service may be discontinued by the District.

Section 24. Access to Premises

Duly authorized agents of the District shall have access during all reasonable hours to the premises of the customer for the purpose of installing or removing property controlled by the District, inspecting piping, reading or testing meters, or for any other purpose in connection with the District's services and facilities.

Section 25. Change of Occupancy

- (A) Not less than three days notice must be given in person or not less than five days in writing, if mailed, to discontinue service for a change in occupancy. Such notice shall be given at the District office, which has responsibility for management of service accounts.
- (B) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.

Section 26. Billing and Collecting

- (A) Meters will be read and bills rendered as follows:
 - 1. Meters will be read once a month, and billing will be accomplished once per month.
 - 2. The District reserves the right to vary the date of meter readings and billing or length of period for billing temporarily or permanently if necessary or desirable.
- (B) Bills for water will be calculated in accordance with the District's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter reading.
- (C) Charge for service shall commence when service is installed, and water distribution main is tested and accepted. The first billing may be sixty (60) days from the installation. The exception to this provision is for owner or developer constructed water facilities including services, and in this case charge for service shall commence when an application is made a meter is set.
- (D) Reading for different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different customers, or for the same of different services.
- (E) Bills are due when rendered and become delinquent 15 days from "Date Bill Mailed". A delinquent fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on "Due Date". If bill is not paid within five (5) days of the due date, service may be discontinued by District, and if customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.
- (F) Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the customer from payment.
- (G) If a check is returned for insufficient funds on a disconnection/reconnection for nonpayment on account, the service will be cut off immediately and meter removed. If a check is returned for insufficient funds on a reconnection with a deposit, the service will be cut off immediately and meter removed. When a check is returned for insufficient funds on an active account, the District will notify the customer by phone or letter of this transaction, requesting immediate payment of the check and a \$25.00 service charge. If the cash payment is not received within a month, the service will be disconnected during the next billing cycle and the meter is removed.

- (H) If the check is returned for Non-Sufficient Funds or Closed Account, the District may pursue any legal options available.

Section 27. Suspension of Service

- (A) Upon discontinuance of service for non-payment of bills, the District may proceed to collect the balance as provided by law for the collection of debts.
- (B) A service discontinued for non-payment of bills will be restored only after bills are paid in full, and a service charge determined by the District is paid for each meter reconnected. In addition, a \$30.00 service charge is applicable when meter is reconnected as a result of voluntary disconnection requested by the property owner. The District may, from time to time, increase this service charge. Request for restoration of service will be honored on the day requested provided the payment is made by 5:00 P.M.; otherwise, the restoration of service will be made the next workday. There will be no reconnections after 5:00 P.M.
- (C) A penalty of \$50.00 will be charged if the seal is broken on any locked meter and water is used. However, a penalty of twice the first amount will be charges for the second and all subsequent occurrences. The penalty must be paid in full before any reconnections to the water system are made.
- (D) After a connection has been discontinued for a period of twelve (12) consecutive months, the District may remove the meter base, meter, curb stop valve, meter box, and service line for use elsewhere.
- (E) At any time after the meter base, meter, curb stop valve, and meter box have been removed in addition to the service charge set forth in subsection © above, and additional service charge equal to the then tap-on fee shall be paid as a reconnection fee. In addition, the customer must make the required deposit.
- (F) The District reserves the right to discontinue its service without notice for the following additional reasons, but not exclusively:
1. To prevent fraud or abuse.
 2. Emergency repairs.
 3. Insufficiency of supply due to circumstances beyond the District's control.
 4. Legal processes.
 5. Direction of public authorities.
 6. Strike, riot, fire, flood, accident, or any unavoidable cause.
 7. Customer's negligence
 8. Acts of God.

- (G) The District may, in addition to prosecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device.

Section 28. Termination Clause

A customer can disconnect from the system after paying the cost of the tap into the account. The customer may pay a disconnect fee of \$25.00 to have the meter removed if the meter is replaced the customer could at that time pay a reconnect fee of \$25.00. The disconnect by the Department will be within a reasonable time after the customer’s request.

Section 29. Complaints – Adjustments

- (A) If the customer believes his bill to be in error, he shall present his claim, in person, at the District Office managing the water accounts before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The customer may pay such bill under protest, and said payment shall not prejudice his claim.
- (B) The District will make special meter readings at the request of the customer for a \$25.00 fee provided; however, that if such special reading discloses that the meter was over read; or in error in any way, the fee will be refunded. See Section 14.
- (C) The Order of the Appeals Process is as follows:
 - 1. Office Manager
 - 2. Water Advisory Board
 - 3. Utilities Director
 - 4. Water Advisory Board

Each person or persons will have thirty (30) days in which to review the complaint. The Water Advisory Board meets quarterly, in which the complaint will be heard within a reasonable time after complaint if filed pursuant to stipulations of this document.

- (D) No modifications of rates or the rules and regulations shall be made by any employee of the District as it relates to (A), (B), and © above.

Section 30. Classifications, Rates, Fees, and Charges - See Attachment “A”

The following classifications, rates, fees, assessments, and charges are adopted:

- (A) Classification of Service

All services are classified under two (2) categories to include residential or commercial users. A residential service is a service requiring a meter size up to and including one (1) inch. All other services shall be classified commercial.

- (B) Rate Schedule

- 1. Residential:

Rates will be established and approved from time to time by the Water District Board.

2. Commercial:

Rates will be established and approved from time to time by the Water District Board.

(C) Tap-On Fees

1. Tap-On Fee:

A discounted tap-on fee may be offered to a residence located within the district during the time of formation or additions, per Attachment B, as approved by the Board of Commissioners. This discounted tap fee will be available to all customers up and until the time the final inspection is performed. After this point, the tap-on fee will revert to the District's Fee schedule and will be subject to all other applicable fees present in this section.

2. See Columbus County Utilities Water Service Schedule. See Attachment "A".

3. See Columbus County Water Service Fee Schedule. See Attachment "A".

(D) Application Fee, Deposit, Late Payment Fee, **Delinquent Account Penalty**, Reconnection Fee, Returned Check Fee, Meter Testing Fee, and Meter Tampering Fee.

See Attachment "B".

Section 31. Water System Extensions by Private Entities

(A) Private entities, including individuals, residential and commercial developers, businesses, and industries may construct extensions to the District system.

(B) Procedures for preparation and approval of plans and specifications shall conform to the Columbus County Water Policies.

(C) Materials and methods for construction of water system extensions shall conform to the Columbus County Water Distribution Standards.

(D) Reimbursement and cost sharing/participation shall comply with the Columbus County Water Policies.

Section 32. Inclusive Terms

Use of the masculine herein shall include the feminine and neuter and the singular shall include the plural.

Section 33. Governing Law

All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina.

Section 34. Notice

All notice required hereunder to be sent to the District shall be sent to the following designated address, or to such other address or addresses as may hereafter be designed by written notice of such change of address.

To County:
Columbus County Public Utilities Department
612 North Madison Street
Whiteville, N.C. 28472

Section 35. Nondiscrimination

District will take affirmative action not to discriminate against any applicant or otherwise illegally deny any person participation in or the benefits of the activities which are the subject of this document, because of race, creed, color, sex, age, disability, or national origin.

Effective Date: February 02, 2010

APPROVED and ADOPTED this 1st day of February, 2010.

Signature: /s/ **P. EDWIN RUSS**, Chairman
Columbus County Board of Commissioners

Attest By: **JUNE B. HALL**
Clerk to the Board

“Attachment A”

Water Rate Schedule

District I

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District II

1 st 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

District III

1 st 2,000 Gallons	\$25.00
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Every 1,000 Gallons Thereafter	\$ 4.00
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District IV

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

District V

1 st 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00
Prison	
Every 1,000 Gallons	\$ 6.00

Guideway School

1 st 2,000 Gallons	\$22.00
Every 1,000 Gallons Thereafter	\$ 4.00

*******THIS WATER FEE SCHEDULE IS CURRENT AS OF MARCH 2007. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY*******

“Attachment B”**Application Fee**

	<u>During Construction</u>	<u>After Construction</u>
¾ Inch Meter	\$ 100.00	\$ 500.00
1 Inch Meter	\$ 450.00	\$ 750.00
2 Inch Meter	\$ 700.00	\$1,000.00

Security Deposit

Per Account	\$ 50.00
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Late Payment Fee

After Due Date	\$ 5.00
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Delinquent Account Penalty

Per Account	\$ 30.00
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Reconnection Fee

Per Account	\$ 30.00
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Return Check Fee

Per Check	\$ 25.00
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Meter Testing Fee

Per Meter	\$ 25.00
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Meter Tampering Fee

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, or both fined and imprisoned, in the discretion of the court. See Section 14-151.1 © of the North Carolina General Statute.

14-151.1**CH.14 Criminal Law****14-151.1****14-151-1 Interfering with electric, gas or water meters; prima facie evidence of intent to alter, tamper with or bypass electric, gas or water meters; unlawful reconnection of electricity, gas or water; civil liability.**

(A) It shall be unlawful for any unauthorized person to alter, tamper with or bypass a meter which has been installed for the purpose of measuring the use of electricity, gas or water or knowingly to use electricity, gas or water passing through any such tampered meter or use electricity, gas or water bypassing a meter provided by an electric, gas or water supplier for the purpose of measuring and registering the quantity or electricity, gas or water consumed.

(B) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the electricity, gas or water consumed or which would cause the electricity, gas or water to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this diction by the person in whose name such meter is installed or the person or persons so using or receiving the benefits of such unmeasured, unregistered or diverted electricity, gas or water.

(B1) It is unlawful for any unauthorized person to reconnect electricity, gas or water connections or otherwise turn back on one or more to those utilities when they have been lawfully disconnected or turned off by the provider of the utility.

(B2) It is unlawful for any unauthorized person to alter, bypass, interfere with or cut off any load management device, equipment, or system which has been installed by the electricity supplier for the purpose of limiting the use of electricity at peak-load periods, provide, however, if there has been a written request to remove the load management device, equipment, or system to the electric supplier and the electric supplier has not removed the device within two working days, there shall be no violation of this section.

(C) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, in the discretion of the court.

(C1) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a Class 1 Misdemeanor.

(D) Whoever is found in a civil action to have violated any provision hereof shall be liable to the electric, gas or water supplier in triple the amount of losses and damages sustained or five hundred dollars (\$500.00), whichever is greater.

(E) Nothing in this section shall be constructed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards. (1977, c.735, s.1, -1983, c.508, ss.1, 2; 1989, c.119; 1983, c.539, s.89.)

ADJOURNMENT:

At 7:30 P.M., Commissioner Prevatte made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously passed.

APPROVED:

JUNE B. HALL, Clerk to Board

P. EDWIN RUSS, Chairman