

COLUMBUS COUNTY BOARD OF COMMISSIONERS**Monday, July 19, 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 a Public Hearing and their regular scheduled meeting on the third 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**

6:30 P.M.

PUBLIC HEARING - Proposed Rural Operating Assistance Program (ROAP) Application: the purpose of this Public Hearing is to inform the public about the contents of the application.

PUBLIC HEARING CALLED to ORDER:

At 6:30 P.M., Chairman P. Edwin Russ called the Public Hearing to order. Chairman Russ stated the purpose of this Public Hearing is to inform the public about the contents of the Proposed Rural Operating Assistance Program (ROAP) Application.

READING of POLICY on COMMENTS at PUBLIC HEARINGS:

Chairman Russ requested that Mike Stephens, County Attorney, orally read the Policy on Comments at Public Hearings. Mr. Stephens orally read the policy in its entirety.

COMMENTS:

Chairman Russ opened the floor for written or oral comments. No comments were received either orally or written.

PUBLIC HEARING CLOSED:

At 6:33 P.M., Commissioner Prevatte made a motion to close the Public Hearing, seconded by Commissioner Norris. The motion unanimously passed.

6:33 P.M.**REGULAR SESSION****Agenda Items #1, #2 and #3:****MEETING CALLED to ORDER, INVOCATION and PLEDGE of ALLEGIANCE:**

At 6:33 P.M., Chairman P. Edwin Russ called the July 19, 2010 Columbus County Board of Commissioners Regular Session Meeting to order. The invocation was delivered by Commissioner Amon E. McKenzie. Everyone in attendance stood and pledged Allegiance to the Flag of the United States of America, which was led by Commissioner James E. Prevatte.

ADJUSTMENT of AGENDA:

Commissioner Prevatte made a motion to adjust the July 19, 2010 Agenda and add a Closed Session in Accordance with N.C.G.S. 143-318.11 (6) Personnel, seconded by Commissioner Norris. The motion unanimously passed.

Agenda Item #4: BOARD MINUTES APPROVAL:

Vice Chairman Byrd made a motion to approve the July 06, 2010 Regular Session Board Meeting Minutes, as recorded, seconded by Commissioner Bullard. The motion unanimously passed.

Agenda Item #5: PUBLIC INPUT:

Chairman Russ opened the floor for public input. No public input was received, either orally or written.

Agenda Item #6: COOPERATIVE EXTENSION - PRESENTATION of BROADBAND CONNECTIVITY and CREATION of NETWORK:

Tim Will, Executive Director of Foothills Connect in Rutherfordton, presented the following information on broadband connectivity, and the creation of a network between local farmers and chefs.

Mr. Will stated the following:

1. I am the Executive Director of Foothills Connect;
2. My guest here tonight are from Wilmington and they have expressed an interest in getting fresh local food from Columbus County farms, if possible;
3. I am here to talk about how we did something similar in Rutherfordton County and hooked our farmers up with high-end chefs and consumers in Charlotte;
4. I am using small farms as regional economic development;
5. Foothills Connect started in 2005;
6. We were sent into Rutherfordton County to redevelop a devastated economic environment with a high unemployment rate;
7. We did not do this alone, we had a lot of help from many agencies;
8. We did not have much to work with, although we did find much fertile land and water as assets;
9. There were six thousand (6,000) people owning five to twenty (5-20) acres of land;
10. We began a campaign of marketing to the chefs in Charlotte due to the proximity;
11. There are one thousand, four hundred (1,400) restaurants, two thousand (2,000) chefs, and a four hundred (\$400,000,000) million dollar restaurant economy in Charlotte, and they were unable to get fresh food within ten (10) days of it being picked;
12. We saw a business opportunity there if we could connect to Charlotte;
13. About the same time we were organizing the County to put in fiber-optics across the County, Golden Leaf came in and stated they had two million (\$2,000,000) dollars available, and we were about to raise \$1.45 million dollars and finance one hundred (100) miles of fiber-optics in 2007;
14. In February, 2007, none of our schools or first responders were connected to fiber-optics, or basically any type of high-speed connectivity, and by February, 2008, all of them were;
15. After the fiber-optics were installed, we started on the process of educating farmers on how to use computers, educating kids how to grow, educating high school kids how to grow sustainably, educating the unemployed how to become a farmer in the context of high-intensity raised-bed agriculture, growing specialty crops that are in high demand in Charlotte, North Carolina;
16. The Charlotte chefs log onto our website and buy directly from the farmers, at their price, and we arrange for delivery;
17. I received a two hundred fifty thousand (\$250,000.) dollars grant from Golden Leaf to spread this program throughout North Carolina;
18. I am concentrating first on the other six (6) business and technology centers focusing on this one concept;
19. What we are suggesting here is that Columbus County avail themselves to this opportunity to create jobs, create green jobs, to work with us in terms of re-creating a small farm economy that will help us serve the Wilmington area, and in the future the huge Char-lanta regional market.

QUESTIONS / ANSWERS:

Commissioner Gore: Who will transport the food from Rutherfordton to Charlotte?

Tim Will: Foothills Connect will transport the food. We have a loading dock at an old post office

and some refrigerator capacity for farmers bringing their produce to us twice a week. We actually have a bar coding system where we scan in the produce as they bring it out of their boxes. We put it in the proper lot, and then about noon time, we are a customer of a truck driver that drives in the area, we load the truck and she takes it to either the restaurants or a drop off point. At this time, we have approximately two hundred forty (240) individual Charlotte buyers, primarily working women that buy our produce on a regular basis.

Commissioner Bullard: Who pays the farmer?

Tim Will: We split with the farmer, eighty (80%) percent, twenty (20%) percent, the farmer gets eighty (80%) percent, and we get twenty (20%) percent to cover the cost of the website, credit card transactions and the delivery.

Commissioner Bullard: Will the purchase price be at the chef's price or the farmer's price?

Tim Will: The farmer's price. I encourage you to go look at our website. It is www.FarmersFreshMarket.org and the farmers go in on one window of the website and enter their inventory, and the chefs come in on another side of the website and buy the inventory. The farmer is sent an e-mail and attached to the e-mail is a bar code that he/she prints out on a printer and attaches it to the package and brings it into us.

Commissioner Gore: I would like for you two walk me through the first steps we need to take for this process.

Tim Will: If you decide that you want to do this, the demand is overwhelming, and the problem is finding the supply, you will need to get the farmers' inventory on the internet by using the available sources you have or by creating the sources that you need.

Commissioner McKenzie: Is this going to be available to all that want to get involved or do you have to contract?

Tim Will: It is pretty much open to all because you are a Tier I County, and I have been told to concentrate on Tier I counties. You have a great market in Wilmington.

Vice Chairman Byrd: When I heard a previous presentation from you, you used the term organic, and I didn't hear you state that tonight. Would you train the farmers to grow as much of the food organic as they could?

Tim Will: Organic is a difficult term to use. Let's say pesticide limited. There are many levels of organic, certified, uncertified and a mixture. As long as they are transparent, because every ounce of our food is identified from where it comes.

Commissioner Prevatte: We have high-speed internet in parts of Columbus County. Are you saying that we need to develop a system like they developed in Rutherfordton County to start this program?

Tim Will: I think that is between Economic Development and Cooperative Extension.

Commissioner Prevatte: Would we need to get some other groups to buy into this idea in order for it to work?

Tim Will: That would help.

Vice Chairman Byrd: Does this only involve produce, and will it lead to any type of meat?

Tim Will: We are raising chickens in tractors and are selling them at the Charlotte restaurants at thirty (\$30) dollars each.

MOTION:

Commissioner Prevatte made a motion for Dalton Dockery, Cooperative Extension Director, and Gary Lanier, Economic Development Director, to approach the Farmers Market Association, and see if they are interested, and get back to the Board if they are interested and see if we can help them in any way if they would like to get involved, and if they are not interested, to look for another group, seconded by Vice Chairman Byrd. The motion unanimously passed.

Commissioner Bullard: If this program does not materialize in Columbus County, can individual farmers log onto the website and develop a business transaction with Foothills Connect, or does it have to be a county-wide program.

Tim Will: It does not have to be a county, but it would be easier for them to have more resources. Right now, we are the only ag program in the state that teaches sustainable ag, and teaches high school students how to do everything that I have told you about. You need your junior college

involved, your community college because teaching the FAT program. There is a lot of transactions going on, on a county level, because you are actually transforming your economy.

Dalton Dockery, Cooperative Extension Director: we have some of these programs already in place. We would need to train the farmers with a different mind set. All of these programs need to be pulled together.

Agenda Item #7: EMERGENCY SERVICES - PRESENTATION of PRE-EVENT CONTRACT for DEBRIS REMOVAL:

Dr. Walter Maestri from DRC Emergency Services, delivered the following presentation on the need for a pre-event or standby contract for debris removal in the event of a disaster.

Dr. Maestri stated the following:

1. I represent DRC Emergency Services, a major contractor in the field of debris and debris management that operates across the United States;
2. Today, we have more than one hundred (100) contracts in place with all size companies all across the southeastern United States;
3. Presently, we are dealing with the oil spill in Louisiana, Mississippi and Alabama;
4. That process was triggered through a contingency contract or a pre-event contract;
5. Sixteen (16) years ago, FEMA (Federal Emergency Management Agency) began to encourage county governments, particularly those with limited resources, in the event of catastrophic disasters, to in fact, to place themselves, and engage in pre-event contracts with major contractors who can supply the equipment, the personnel, the supplies, etc., that are necessary to supplement your public works operations, for instance in Columbus County;
6. With that particular encouragement to engage in those contracts, and to enter into those contracts, FEMA set up a special set of guidelines that each county should follow to effect that contract, and to guarantee that, that contract would then be eligible for FEMA reimbursement;
7. In that process, FEMA asked that you go through whatever process you choose, whether it be a formalized bid process, that is to put out a Request for Proposals and then to receive bids, and base your decision strictly on the basis of costs, or you could simply evaluate proposals that you receive from contractors who would supply you with what they can provide in the event of a major disaster;
8. FEMA, today, has in fact now modified its stance even further to make it more attractive for communities to enter into these pre-event contracts;
9. In talking with your emergency managers, we introduced to them the concept of a pre-event contract;
10. I will briefly go through that procedure, to tell you exactly what happens, as follows:
 - You set the parameters, in other words you put it either out for bids or request proposals;
 - When the proposals come in, you evaluate the proposals;
 - You select the proposals that you want to implement, that you would potentially enter into contract with, based on the criteria that you establish;
 - Once that contract is entered into, there is absolutely no dollar value that exchanges hands, in other words, the contract is strictly on the basis of a contingency, that is, if an event occurs in your county, a major storm, hurricane, or whatever it may be, and causes a catastrophic disaster which eventuates a massive debris that has to be cleaned up, you don't have necessarily the resources from your public works department to handle that, and at that moment, you implement the contract;
 - To that point, no cost is involved for the county whatsoever;
 - In addition, once the contract is implemented, after a major disaster, you are then in a FEMA recovery mode;
 - The President of the United States, on the recommendation of the State of North Carolina, in your case, would then declare a disaster to have occurred in the various counties that have been impacted; **and**
 - When the President declares the disaster to have occurred, he declares the disaster at an eighty, ninety or one hundred (80%, 90% or 100%) percent level of FEMA reimbursement funding for the local jurisdiction, depending upon the size of the disaster;
11. The point I would like to stress is, if you enter into the contract, there is no cost until you implement the contract;
12. When you implement the contract, under most circumstances, it is then either an eighty, ninety or one hundred (80%, 90% or 100%) percent reimbursement from the federal government through the Federal Emergency Management Agency;

13. You are talking about a contract that has minimal cost to the jurisdictions that are involved;
14. There are multiple companies that can provide these services;
15. We exhort you, if you decide to move in this direction, to either issue a Request for Proposals or go through your normal purchasing procedures and do a solicitation for bids, and base your decision on whatever criteria that you establish for that purpose; **and**
16. We have multiple contracts, we have the contract for Pender County at this time.

QUESTIONS / COMMENTS:

Commissioner McKenzie: Do you have any other counties besides Pender County?

Dr. Maestri: We have multiple counties and multiple jurisdictions - North Topsail Beach, Topsail Beach, the whole area along that coastal area, multiple contracts in South Carolina. Presently, we are operating with more than one hundred twenty-five (125) contracts across the southeastern United States

Vice Chairman Byrd: Should the local landfill be the last choice to use for the debris disposal?

Dr. Maestri: That would be my recommendation.

Vice Chairman Byrd: Does it have to be a landfill or can it be a designated area? What would be the criteria it would have to meet to qualify?

Dr. Maestri: If you decide not to use a permitted landfill, or your disposal site, you would have to meet the criteria, both of the State agency that regulates environmental quality and the Federal Government's Department of the EPA (Environmental Protection Agency) of the United States Government.

Commissioner Gore: Would it have to be a declaration by the President?

Dr. Maestri: For the full funding, yes.

Commissioner Gore: If the President declared a major disaster at a ninety (90%) percent recovery cost, could Columbus County apply for these funds on their own?

Dr. Maestri: Absolutely. The reason you would look to the contract, is if you feel that you do not have the resources within the county to be able to effect the cleanup in what you would consider to be an appropriate time span.

Commissioner Prevatte: If you go through the bid process, how long would this contract price be good for?

Dr. Maestri: Most of the contracts that are let, have the escalated clause in them for the cost of living indexes, based on the national and/or regional cost-of-living indexes.

Commissioner Prevatte: What is the length of a contract?

Dr. Maestri: The length of the contract that FEMA would encourage you to enter into would be coterminous with the terms of office of the body that lets the contracts so that you don't bind your successors.

Commissioner Prevatte: We have many local contractors that we try to utilize whenever possible. How would this be handled?

Dr. Maestri: We would definitely utilize all of the local subcontractors as identified, and meet the criteria that are established in the contract that you let. The problem that exists is that if you have the catastrophic disaster, most of the local contractors are not able to respond.

Commissioner Prevatte: Are you the middle man?

Dr. Maestri: No. We certainly do have subcontractors that work with us, but we work directly for you if we were awarded the contract. The subcontractors will be our responsibility. In addition, in looking for a company that would have the financial resources to be able to pay the contract while you wait for the Federal government to reimburse you for the costs of those contracts.

Commissioner Gore: FEMA has a reimbursable rate for these costs, and if the costs is greater in the contract than the reimbursable rate, where is the extra money going to come from?

Dr. Maestri: FEMA also accepts those same rates, that is in the FEMA guidelines. In addition, there is Federal law pending at the present time that would modify the pre-event contract approach, and in fact, give to those communities that have approved plans for debris management, a five (5%) percent kick higher than the normal rates that have been established by FEMA. This is an encouragement by FEMA to have these contracts in place.

Vice Chairman Byrd: I would like to ask Mr. Clark and Mr. Stephens to check into how the Board of Commissioners handled Hurricane Floyd.

Agenda Item #8: SHERIFF - HEALTH SERVICES AGREEMENT:

Sheriff Batten requested Board approval of the Health Services Agreement with Southern Health Partners, at the annualized price of two hundred twenty-seven thousand, seven hundred, and 00/100 (\$227,700.00) dollars during the initial term of this Agreement, effective August 16, 2010 through July 31, 2011, for inmate medical care, at the Columbus County Jail. **(The proposal was presented and approved at the July 06, 2010 Meeting).**

Commissioner McKenzie made a motion to approve the Health Services Agreement with Southern Health Partners, at the annualized price of two hundred twenty-seven thousand, seven hundred, and 00/100 (\$227,700.00) dollars during the initial term of this Agreement, effective August 16, 2010 through July 31, 2011, for inmate medical care, at the Columbus County Jail, seconded by Commissioner Norris. The motion unanimously passed. A copy of this Agreement will be marked as Exhibit "A", and kept on file in Minute Book Attachments, Book Number 4, for review.

Agenda Item #9: PUBLIC TRANSPORTATION - AUTHORIZE CHAIRMAN to SIGN CERTIFIED STATEMENT for RURAL OPERATING ASSISTANCE PROGRAM (ROAP), and APPROVE SUB-ALLOCATION FORM:

Charles Patton, Public Transportation Director, requested Board approval to authorize the Chairman to sign the following Certified Statement, FY 2011, Rural Operating Assistance Program.

**CERTIFIED STATEMENT
FY 2011
RURAL OPERATING ASSISTANCE PROGRAM
County of Columbus**

WHEREAS, the state-funded, formula-based Rural Operating Assistance Program (ROAP) administered by the North Carolina Department of Transportation, Public Transportation Division provides funding for the operating cost of passenger trips and for other transportation services for counties within the state;

WHEREAS, the county uses the most recent transportation plans (i.e. CTSP, CTIP, LCP) available and other public involvement strategies to learn about the transportation needs of agencies and individuals in the county before determining the sub-allocation of these ROAP funds;

WHEREAS, the county government is the only eligible recipient of Rural Operating Assistance Program funds which are allocated to the counties based on a formula as described in the Program Guidelines included in the ROAP application. NCDOT will disburse the ROAP funds only to the county and not to any sub-recipients selected by the county;

WHEREAS, the county finance officer will be considered the county official accountable for the administration of the Rural Operating Assistance Program in the county, unless otherwise designated by the Board of County Commissioners;

WHEREAS, the passenger trips and transportation services provided with ROAP funds must be accessible to individuals with disabilities and be provided without discrimination on the basis of national origin, creed, age, race or gender (FTA C 4702.1A, FTA C 4704.1, Americans with Disabilities Act 1990); and

WHEREAS, the period of performance for these funds will be July 1, 2010 to June 30, 2011 regardless of the date on which ROAP funds are disbursed to the County.

NOW, THEREFORE, by signing below, the duly authorized representatives of the County of COLUMBUS North Carolina certify that the following statements are true and accurate:

- The County employed a documented methodology for sub-allocating ROAP funds that involved the participation of eligible agencies and citizens. Outreach efforts to include the participation of the elderly and individuals with disabilities, persons with limited English proficiency, minorities and low income persons in the county's sub-allocation decision have

been documented.

- The county will advise any sub-recipients about the source of the ROAP funds, specific program requirements and restrictions, eligible program expenses and reporting requirements. The county will be responsible for invoicing any sub-recipients for unexpended ROAP funds as needed.
- The county will monitor ROAP funded services routinely to verify that ROAP funds are being spent on allowable activities and that the eligibility of service recipients is being properly documented. The county will maintain records of trips and services for five years that prove that an eligible citizen was provided an eligible service or trip on the billed date, by whatever conveyance at the specified cost.
- The county will be responsible for monitoring the safety, quality and cost of ROAP funded services and assures that any procurements by sub-recipients for contracted services will follow state guidelines.
- The county will conduct regular evaluations of ROAP funded passenger trips and transportation services provided throughout the period of performance.
- The county will only use the ROAP funds to provide trips and other transportation services when other funding sources are not available for the same purpose or the other funding sources for the same purpose have been completely exhausted.
- The county assures that the required matching funds for the FY2011 ROAP can be generated from fares and/or provided from local funds.
- The county will notify the Mobility Development Specialist assigned to the county if any ROAP funded services are discontinued before the end of the period of performance due to the lack of funding. No additional ROAP funds will be available.
- The county manager will provide written assurance to the Public Transportation Division that the employment transportation needs in the county have been met prior to transferring any Employment Transportation Program (EMPL) funds or Supplemental EMPL funds. The letter will describe the process used to make this determination. Transfer of EMPL or SuppEMPL fund is prohibited if there are any unmet needs or service strategies in the Coordinated Public Transit - Human Services Transportation Plan that have not been addressed.
- The county will provide an accounting of trips, services and expenditures in semi-annual reports to NCDOT - Public Transportation Division or its designee.
- Any interest earned on the ROAP funds will be expended for eligible program uses as specified in the ROAP application. The County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.
- The county is applying for the following amounts of FY 2011 Rural Operating Assistance Program funds:

| State-Funded Rural Operating Assistance Program | Allocated | Requested |
|--|------------------|------------------|
| Elderly & Disabled Transportation Assistance Program (EDTAP) | \$54,913 | \$54,913 |
| Employment Transportation Assistance Program (EMPL) | \$19,173 | \$19,173 |
| Rural General Public Program (RGP) | \$48,097 | \$48,097 |
| Supplemental EDTAP | \$31,653 | \$31,653 |
| Supplemental EMPL | \$24,049 | \$24,049 |
| Supplemental RGP | \$42,614 | \$42,614 |
| TOTAL: | \$220,499 | \$220,499 |

WITNESS my hand and county seal, this 19th day of July, 2010.

/s/ **WILLIAM S. CLARK**
Columbus County Manager

/s/ **P. EDWIN RUSS**

State of North Carolina
 County of Columbus

/s/ **BOBBIE FAIRCLOTH**
County Finance Officer

(County Seal)

ROAP PUBLIC HEARING RECORD

APPLICANT: COLUMBUS COUNTY

DATE: 7/19/2010

PLACE: Dempsey Herring Courthouse Annex

TIME: 6:30 P.M.

How many BOARD MEMBERS attended the public hearing? 7

How many members of the PUBLIC attended the public hearing? 27

Public Attendance Surveys

- (Attached)
- (Offered at Public Hearing but none completed)

I, the undersigned, representing **COLUMBUS COUNTY** do hereby certify to the North Carolina Department of Transportation, that a Public Hearing was held as indicated above and

- (NO public comments)
- (Public Comments were made and meeting minutes will be submitted after board approval)

The estimated date for board approval of meeting minutes is 8/2/2010.

/s/ **JUNE B. HALL**
Clerk to the Board

(COUNTY SEAL)

July 19, 2010

**ROAP SUB-ALLOCATION & DISTRIBUTION
 COLUMBUS COUNTY for FY 2010-2011**

| | | 8/31/2010 | Dec 2010 Mar 2011 | | |
|-------------------|---------------|---------------------------------|---|------------|--------------------|
| | Designee | 1 st Distribution | 2 nd & 3 rd Distribution | Supplement | TOTALS |
| EDTAP | | | | | |
| 68-9600-560065 | DSS | \$4,750.00 | \$4,750.00 | | \$9,500.00 |
| 68-9600-560067 | Mental Health | \$7,602.50 | \$7,602.50 | | \$15,205.00 |
| 68-9600-560070 | Col Co Transp | \$30,930.50 | \$30,930.50 | | \$61,861.00 |
| Sub-Total: | | | | | \$86,566.00 |
| WORKFIRST | Col Co Transp | \$21,611.00 | \$21,611.00 | | \$43,222.00 |
| | | | | | |

| | | | | | |
|----------------|---------------|--------------------|--------------------|------|---------------------|
| RGP | | | | | |
| 68-9600-560061 | Col Co Transp | \$45,355.50 | \$45,355.50 | | \$90,711.00 |
| | | | | | |
| TOTALS: | | \$66,966.50 | \$66,966.50 | \$ - | \$220,499.00 |

RGP (County \$)

68-4520-560008 Col Co Transp \$5,000 County Provided Funds

Vice Chairman Byrd made a motion to authorize Chairman Russ to sign the Certified Statement, FY 2011, Rural Operating Assistance Program, and approve the Sub-Allocation Form, seconded by Commissioner Bullard. The motion unanimously passed.

Agenda Item #10: AIRPORT - APPROVAL of AIRPORT GRANT AGREEMENT for PROJECT # 36244.18.5.1 PARTIAL PARALLEL TAXIWAY:

Phil Edwards, Columbus County Airport Director, requested Board approval of the Airport Grant Agreement for Project # 36244.18.5.1 Partial Parallel Taxiway, in the amount of nine hundred fifty-four thousand and 00/100 (\$954,000.00) dollars with matching funds of one hundred six thousand and 00/100 (\$106,000.00) dollars, by the following Resolution.

RESOLUTION

 WHEREAS, a Grant in the amount of \$954,000 has been approved by the Department based on total estimated cost of \$1,060,000; **and**

WHEREAS, an amount equal to or greater than 10 percent of the total estimated project cost has been appropriated by the Sponsor for this Project.

NOW THEREFORE, BE AND IT IS RESOLVED THAT THE Chairman of the Sponsor be and he hereby is authorized and empowered to enter into a Grant Agreement with the Department, thereby binding the Sponsor to the fulfillment of its obligation incurred under this Grant Agreement or any mutually agreed upon modification thereof.

Commissioner Norris made a motion to approve the Airport Grant Agreement for Project # 36244.18.5.1 Partial Parallel Taxiway, in the amount of nine hundred fifty-four thousand and 00/100 (\$954,000.00) dollars, with matching funds of one hundred six thousand and 00/100 (\$106,000.00) dollars, by resolution, seconded by Commissioner McKenzie. The motion unanimously passed. A copy of the Airport Grant Agreement will be marked as Exhibit "B", and kept on file in the Minute Book Attachments, Book Number 4, for review.

Agenda Item #11: PLANNING - REQUEST for PUBLIC HEARING:

Jim Dossett, Columbus County Planner, requested the Board to establish August 16, 2010 as the date for a Public Hearing for requested variances to the Subdivision Ordinance. **(A time needs to be established also.)**

Commissioner Gore made a motion to establish August 16, 2010, at 6:30 P.M., as the date and time for a Public Hearing for requested variances to the Subdivision Ordinance, seconded by Commissioner Norris. The motion unanimously passed.

Agenda Item #12: LIBRARY - APPROVAL and ADOPTION of REVISED COLUMBUS COUNTY PUBLIC LIBRARY BOARD of TRUSTEES BYLAWS:

Morris Pridgen, Jr., Library Director, requested Board approval and adoption of the following **revised** Columbus County Public Library Board of Trustees Bylaws.

**BYLAWS
Of the
COLUMBUS COUNTY PUBLIC LIBRARY
BOARD of TRUSTEES**

Article I: Members

- Section 1.** In accordance with Chapter 153A-265 of the General Statutes of North Carolina, the Board of Trustees of the Columbus County Public Library shall consist of eight (8) persons and an ex officio, appointed by the Board of County Commissioners for a term of four (4) years.
- Section 2.** The terms of two (2) members will expire June 30 each year.
- Section 3.** The Board of Commissioners will select one (1) member each to fill the expired or vacated terms of the Library Board of Trustees.
- Section 4.** The position of a Board member who has been absent, without excuse, from three (3) consecutive meetings shall be considered vacant.
- Section 5.** A member completing an unexpired term shall be considered to have served one (1) term and can be reappointed at the Commissioner's discretion.
- Section 6.** Appointments to fill expiring terms shall be made one (1) month prior to expiration. Appointments to fill vacant terms shall be made one month after the vacancy occurs.

Article II: MEETINGS

- Section 1.** The regular Quarterly meeting of the Library Board of Trustees shall be held on the first Tuesday of each Quarter, at 6:00 P.M. at the Library.
- Section 2.** The annual meeting shall be held at the time of the regular meeting for the month of May at the usual place.
- Section 3.** Special meetings may be called by the Chairman of the Board of Trustees, or upon the written request of three (3) members, for transaction of business stated in the call for the meeting.
- Section 4.** Notices of all meetings shall be the responsibility of the Secretary of the Board of Trustees and sent to all members, Board of County Commissioners and the County Administrator at least five (5) days before the regular meeting.

Article III: Officers

- Section 1.** Officers of the Board of Trustees shall be Chairman, Vice- Chairman and Secretary.
- Section 2.** Officers shall be elected at the regular annual meeting by a majority vote of the Board for a term of one (1) year. They shall take office at the August meeting.
- Section 3.** The Chairman of the Board of Trustees shall preside at all meetings, appoint all committees, authorize calls for any special meetings, and generally perform the duties of a presiding officer. In the absence of the Chairman from the Board meeting, the Vice-Chairman shall serve, or, in the absence of the Vice-Chairman, the members may select a temporary Chairman for the meeting.
- Section 4.** The Secretary of the Board of Trustees shall keep a true and accurate account of all proceedings of the Board meetings; shall issue notices of all regular meetings and on the authorization of the Chairman, of all special meetings; shall have custody of the minutes and other records of the Board of Trustees; and shall notify the Board of County Commissioners of any vacancies on the Board of Trustees.

Article IV: Committees

- Section 1.** Special committees for the study and investigation of special problems may be appointed by the Chairman; such committees to serve until the completion of the work for which they were appointed.

Article V: Quorum

- Section 1.** A quorum for the transaction of business shall consist of five (5) members of the

Board of Trustees.

Article VI: Duties

Section 1. The duties of the Trustees consist of carrying out, conscientiously, the powers given them. It is their duty and responsibility to determine the policy of the library; recommend to the Board of County Commissioners a candidate or candidates for the position of the Library Director. This candidate or candidates will possess all required certification that is required by the North Carolina State Library. All applications will be received by the Columbus County Personnel Department. Upon review of all applicants by the Board of County Commissioners, the Board of County Commissioners will then select a Library Director from the Board of Trustees' applicants and give final approval for the hiring of the Director; review the monthly financial report; advise in the preparation of the budget, approve it and work to obtain the necessary funds; provide and maintain adequate buildings and grounds; study and support legislation which will bring about quality library service; cooperate with other public officials and boards; maintain vital public relations; and make an annual report to the North Carolina State Library as required by the General Statutes 125-5.

Article VII: Librarian/Director

Section 1. The Librarian/Director shall have the responsibility for administration of the library under the direction and review of the Board of Trustees and the County Manager. The Librarian/Director shall be held responsible for the care of the building and equipment, for the employment and direction of the staff, for the efficiency of the library's service to the public and for the operation of the library under the financial conditions set forth in the Annual Budget. The Librarian/Director shall attend all Board of Trustees meetings except those at which his/her appointment or salary is to be discussed or decided. The Librarian/Director and staff will work under the policy and conditions set down by the County. The Librarian/Director is subject to all requirements for duties that are required of all department heads, including of employment and termination of employment by the Board of County Commissioners (exception: department head positions which are dictated by State Statute). In the absence of a Library Director, the Board of County Commissioners will appoint a Management Team to carry out the daily operations of the library.

Article VIII: Limitations

Section 1. No member of the Board of Trustees or immediate relative (parent, brother, sister, children) of a Board of Trustee member or the Library Director shall be considered for staff employment.

Section 2. No member of the Board of Trustees or any administrative or staff member of the Library shall use the resources, business finances or contracts of the library for personal use or profit.

Article IX: Order of Business

Section 1. The order of business at the regular meetings shall be as follows:

Call to order;
Approval of minutes (either read or previously received);
Report of Librarian/Director;
Reports of Committees;
Review of the monthly financial report;
Communications;
Unfinished Business;
New Business; **and**
Adjournment.

Article X. Amendments

Section 1. The Bylaws may be amended at regular meeting of the Columbus County Board of

Commissioners upon recommendation of the Board of Trustees.

ADOPTED this the 19th day of July, 2010.

COLUMBUS COUNTY BOARD OF COMMISSIONERS
/s/ **P. EDWIN RUSS, Chairman**

ATTESTED BY:
/s/ **JUNE B. HALL, Clerk to Board**

Adopted September 12, 1946

Amended June 1974, October 1977, March 9, 1978, July 29, 1982, August 1996; May 17, 1999

LAST DATE AMENDED: March 15, 2004, July 19, 2010

Commissioner Bullard made a motion to approve the **revised** Columbus County Public Library Board of Trustees Bylaws, seconded by Commissioner Norris. The motion unanimously passed.

Agenda Item #13: REGISTER OF DEEDS - DEPARTMENTAL UPDATE:

The Honorable Kandance Whitehead, Columbus County Registrar, delivered the following Departmental Update to the Board.

1. I have distributed Daily Fee Collection and Deposit Reports for the last two (2) years, with attached report of the transactions involved;
2. The first report reflects the amount of three hundred forty-six thousand, seven hundred one and 65/100 (\$346,701.65) dollars collected for fiscal year 07/01/2009 through 06/30/2010;
3. The second report reflects the amount of three hundred seventy thousand, seven hundred sixty-four and 75/100 (\$370,764.75) dollars collected the fiscal year 07/01/2008 through 06/30/2009;
4. There is a difference of approximately twenty-four thousand and 00/100 (\$24,000.00) dollars; **and**
5. This difference is due to the downfall in the economy.

Agenda Item #14: PARKS and RECREATION - DEPARTMENTAL UPDATE:

Julie Strickland, Parks and Recreation Director, delivered the following Departmental Update to the Board.

PROJECTS:

41 completed projects at 12 different facilities

MAINTENANCE:

Aeration and tilling of 25 athletic fields
Mowed approximately 4,250 acres of grass
Maintained 185 acres of land mass

FENCE:

Installed/ Replaced 3500' of wire fencing
Built and installed gates at 5 facilities
Preventive maintenance at all facilities

BLEACHER PROGRAM:

Transported 136 sets of bleachers for use at festivals, programs and/or events

Programs-Sponsored, Co-sponsored and/or Facilitated:

28 Programs
9,550 Attendance/Participants

Community Involvement:

134 Meetings/Workshops

Agenda Item #15: GOVERNING BODY - APPROVAL and ADOPTION of DESIGNATION OF QUARTER-CENT (1/4 ¢) SALES TAX PROCEEDS RESOLUTION, EDUCATION COMMITTEE and ESTABLISHMENT of BUDGET:

William S. Clark, County Manager, requested Board discussion and possible adoption of the following Designation of Quarter-Cent (1/4 ¢) Sales Tax Proceeds Resolution, the formation of an Education Committee and the establishment of a budget. **(This matter was tabled at the July 06, 2010 Board Meeting.)**

DESIGNATION of QUARTER-CENT (1/4 ¢) CENT SALES TAX PROCEEDS RESOLUTION

WHEREAS, on the November 2, 2010 Ballot, the citizens of Columbus County will be presented with the opportunity to vote for or against the Quarter-Cent (1/4 ¢) Sales Tax; **and**

WHEREAS, to educate the public concerning the use of proceeds from the sales tax, the designation of these funds are hereby made by the Board of Columbus County Commissioners; **and**

WHEREAS, funds provided to public education is a sound investment in the future of Columbus County and its citizens; **and**

WHEREAS, additional revenue monies to the Columbus County Governmental General Fund provide for the overall economic and financial stability of the County; **and**

WHEREAS, fifty (50%) percent of the Quarter-Cent (1/4 ¢) Sales Tax proceeds shall be hereby designated to Education - Capital Improvements, solely for Columbus County Schools; Whiteville City Schools and/or Southeastern Community College; in percentage amounts to be determined at a later date by the Board of Columbus County Commissioners; **and**

WHEREAS, fifty (50 %) percent of the Quarter-Cent (1/4¢) Sales Tax proceeds shall be designated to improve the Columbus County General Fund Balance.

NOW, THEREFORE, BE IT RESOLVED by the Columbus County Board of Commissioners that the proceeds from the November 2, 2010 sales tax vote by Columbus County Citizens shall be hereby designated as follows:

1. Fifty (50%) percent of the Quarter-Cent (1/4 ¢) Sales Tax proceeds shall be hereby designated to Education - Capital Improvements, solely for Columbus County Schools; Whiteville City Schools and/or Southeastern Community College; in percentage amounts to be determined at a later date by the Board of Columbus County Commissioners; **and**
2. Fifty (50 %) percent of the Quarter-Cent (1/4¢) Sales Tax proceeds shall be designated to improve the Columbus County General Fund Balance.

APPROVED and **ADOPTED** this the 19th day of July, 2010.

COLUMBUS COUNTY BOARD OF COMMISSIONERS

P. EDWIN RUSS, Chairman

ATTESTED BY:

JUNE B. HALL, Clerk to Board

Mr. Clark stated the following:

1. I have contacted the New Hanover County Manager to find out how they handled this;
2. We can educate the public but we can not promote this tax;
3. In the conversation with the New Hanover County Manager, I discovered that the County Commissioners were very involved in the process, and they were specific in the details about how the tax would be used;
4. There will be no tax on the following items:
 - Most non-prepared foods;
 - New cars;
 - Prescription drugs;
 - Gas; **and**
 - Utilities;
5. I think the County Commissioners should be heavily involved in this process; **and**

6. I am now recommending a budget of five thousand and 00/100 (\$5,000.00) dollars.

Discussion was conducted relative to the changes that need to be made in the Resolution resulting from the public views of this tax that have been voiced, as follows:

1. The Resolution needs to be amended to reflect the percentage breakdown in the 50% proceeds to the schools; **and**
2. The 50% of the proceeds to the County needs to reflect that it will be used for Capital Outlay only, and not going to the General Fund.

MOTION:

Commissioner Prevatte made a motion to amend the Designation of Quarter-Cent (1/4 ¢) Cent Sales Tax Proceeds Resolution to state the following:

1. Fifty (50%) percent of the Quarter-Cent (1/4 ¢) Sales Tax proceeds shall be hereby designated to Education - Capital Improvements, solely for Columbus County Schools; Whiteville City Schools and Southeastern Community College; divided proportionately according to the percentages of how the Capital Improvements are allocated at this time; **and**
2. Fifty (50%) percent of the Quarter-Cent (1/4 ¢) Sales Tax proceeds shall be designated to the County for Capital Outlay Improvements.

The motion was seconded by Vice Chairman Byrd. The motion unanimously passed.

MOTION:

Commissioner Prevatte made a motion to approve a budget for the Quarter Cent (1/4 ¢) Sales Tax Education Committee in the amount of five thousand and 00/100 (\$5,000.00) dollars, seconded by Commissioner McKenzie. The motion unanimously passed.

APPOINTMENTS to the QUARTER CENT (1/4¢) SALES TAX EDUCATION COMMITTEE:

The following appointments were made to the Quarter-Cent (1/4 ¢) Sales Tax Education Committee.

| COMMISSIONER | DISTRICT | APPOINTEE |
|-------------------|----------|-----------------------------------|
| James E. Prevatte | II | Julie Strickland Beverly Nance |
| Ronald Gore | VII | Dan Strickland Alan Faulk |
| Giles E. Byrd | III | Gene McNeil Wilson Spaulding |
| Edwin Russ | IV | William Jolly Dave Flowers |

The following Commissioners volunteered to serve on the Quarter Cent (1/4¢) Sales Tax Education Committee as ex-officio members: Amon E. McKenzie, James E. Prevatte and Edwin Russ.

Agenda Item #16: RESOLUTION - APPROVAL and ADOPTION of the RESOLUTION in SUPPORT of the RECOMMENDED FEASIBILITY STUDY for the PROPOSED NORTH CAROLINA INTERNATIONAL TERMINAL at Southport:

Gary Lanier, Economic Development Director, requested Board Approval and adoption of the following Resolution in Support of the Recommended Feasibility Study for the Proposed North Carolina International Terminal at Southport.

Resolution in Support of the Recommended Feasibility Study for the Proposed North Carolina International Terminal at Southport

WHEREAS, the facts regarding the **ECONOMIC IMPACTS** of the proposed North Carolina International

Terminal at Southport have not been determined; **and**

WHEREAS, the facts regarding the **ENVIRONMENTAL IMPACTS** of the proposed North Carolina International Terminal at Southport have not been determined; **and**

WHEREAS, the facts regarding the **INFRASTRUCTURE NEEDS** related to the proposed North Carolina International Terminal at Southport have not been determined; **and**

WHEREAS, the movement of many Asian freight carriers to the “New Panamax” or “Post Panamax” class of container vessel is logical, reasonable, economical, and inevitable; **and**

WHEREAS, the “New Panamax” container vessels can only dock in deep water ports and that the current port at Wilmington cannot handle vessels of this size; **and**

WHEREAS, the members of the Columbus County Board of Commissioners, wish for it to be known and clearly understood that we feel that the proposed North Carolina International Terminal at Southport project merits a full and complete Feasibility Study as recommended by the U.S. Army Corps of Engineers. We feel that any project of this size and scope has the potential to dramatically affect the economic well-being of our County, the Southeast Region, and our entire State. As such, we give our full and unwavering support to the completion of the recommended Feasibility Study.

NOW, THEREFORE, BE IT RESOLVED that the Columbus County Board of Commissioners fully supports the completion of the recommended Feasibility Study for the **Proposed North Carolina International Terminal at Southport**.

APPROVED and **ADOPTED** this the 19th day of July, 2010.

COLUMBUS COUNTY BOARD OF COMMISSIONERS

/s/ **P. EDWIN RUSS, Chairman, District IV** /s/ **GILES E. BYRD, Vice Chairman, District III**
 /s/ **AMON E. MCKENZIE, District I** /s/ **JAMES E. PREVATTE, District II**
 /s/ **LYNWOOD NORRIS, District V** /s/ **RICKY BULLARD, District VI**
 /s/ **RONALD GORE, District VII**

ATTESTED BY:

/s/ **JUNE B. HALL, Clerk to the Board**

Commissioner Bullard made a motion to approve and adopt the Resolution in Support of the Recommended Feasibility Study for the Proposed North Carolina International Terminal at Southport, seconded by Commissioner Norris. The motion unanimously passed.

Agenda Item #17: APPOINTMENTS/RE-APPOINTMENTS/REPLACEMENTS to COMMITTEES/BOARD/COUNCILS:

June B. Hall, Clerk to the Board, requested the following appointments/re-appointments/replacements be made.

| COMMITTEE | DISTRICT / EB | PERSON(S) | EXPIR. DATE | BOARD ACTION |
|---|---------------|--|-------------|--------------|
| Home and Community Care Block Grant for Aging Services Advisory Council | I | Barbara Williams | 06-30-2013 | Appoint |
| Industrial Facilities Pollution Control Financing Authority **See Documentation** | EB | Robert Howard | 06-30-2010 | HOLD |
| Whiteville Planning and Zoning Board **See Whiteville ETJ Area Map*** | EB | ETJ (Has been vacant for some time) | N/A | HOLD |

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

At 8:03 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 #18: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

July 06, 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 #19: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of ADJUSTMENTS to the DECEMBER, 2009, MARCH, APRIL, MAY and JUNE, 2010 MONTHLY WATER BILLS:

Kip McClary, Public Utilities Director, requested Board approval of the adjustments to the December, 2009 and the March, April, May and June, 2010 monthly water bills.

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

Agenda Item #20: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - REVIEW of the UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:

Commissioner Prevatte requested the Board to review the sections of the Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, pertaining to billing and collecting.

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

Agenda Item #21: COLUMBUS COUNTY WATER and SEWER DISTRICT IV - APPROVAL of CHANGE ORDER NUMBER 4, T.A. LOVING COMPANY:

Kip McClary, Public Utilities Director, requested Board approval of Change Order Number 4, Contract 1, for T.A. Loving Company, for an increase of eighty-two thousand, one hundred twenty-three and 25/100 (\$82,123.25) dollars.

This information will be recorded in Minute Book Number 1 for Columbus County Water and Sewer District IV.

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

At 8:21 P.M., Vice Chairman Byrd 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 #22: CONSENT AGENDA ITEMS:

A. Budget Amendments:

Commissioner Norris made a motion to approve the following Budget Amendments, seconded by Commissioner McKenzie. The motion unanimously passed.

| TYPE | ACCOUNT | DETAILS | AMOUNT |
|-------------|----------------|--|---------|
| Expenditure | 10-5301-549986 | Crisis Intervention | 47,961 |
| Revenue | 10-3530-430068 | Crisis Intervention | 47,961 |
| Expenditure | 10-5173-512100 | BHC Salaries and Wages | 3,305 |
| | 10-5173-518100 | BHC FICA | 230 |
| | 10-5173-518200 | BHC Retirement | 437 |
| | 10-5173-518300 | BHC Insurance | 3,400 |
| | 10-5173-518400 | BHC 401K Contribution | 89 |
| | 10-5173-526000 | BHC Office Supplies | (1,100) |
| | 10-5173-526001 | BHC Dept Supplies | (1,229) |
| Revenue | 10-3513-489060 | BHC Local | 5,132 |
| Expenditure | 10-5303-560150 | TANF Subsidized Employment (Grant) | 235,917 |
| | 10-5303-560155 | Food and Nutrition Contingency Funding (Grant) | 103,903 |
| | 10-5301-533001 | CP&L Energy | 602 |
| | 10-5301-512100 | Salaries and Wages | 4,387 |
| | 10-5303-560155 | Food and Nutrition Contingency Funding (Grant) | (4,387) |
| Revenue | 10-3530-431010 | TANF Subsidized Employment (Grant) | 235,917 |
| | 10-3531-432500 | Food and Nutrition Contingency Funding (Grant) | 103,903 |
| | 10-3530-430076 | CP&L Energy | 602 |

B. Tax Refund and Releases:

Commissioner Bullard made a motion to approve the following Tax Refund and Tax Releases, seconded by Commissioner Gore. The motion unanimously passed.

**TAX REFUND (as submitted to the Governing Body Office from the Tax Office):
July 19, 2010**

Refunds Name: Jones, Betty Lennon Amount: \$0.00
 Value: \$0.00 Year 008/0 Account # 14-07681 Bill # 99999 Total \$410.00
 Refund user fee for years 2008 and 2009. Property is vacant.
 6947 Rodney Street Philadelphia PA 19138

**TAX RELEASES (as submitted to the Governing Body Office from the Tax Office):
July 19, 2010**

Release the Property Value in the name of Mills, Ricky c/o Jason Mills Amount: \$203.12
 Value: \$4,578.00 Year: 99999 Account # 06-26282 Bill # 99999 Total \$1,225.72
 Release entire portion of property value. Rebilled to Jason D. Mills Act#06-04836. Release Yam City Fire(25.86), release Columbus Rescue(5.18)

Release the Property Value in the name of Nelson, Brian c/o Sara Worley Amount: \$416.73
 Value: \$7,520.00 Year: 99999 Account # 03-16962 Bill # 9999 Total \$1,660.45
 Release value of mobile home. Rebilled to Sara Kay Worley Act# 03-05453. Release Brunswick Fire (37.43), release Whiteville Rescue (10.69)

Release the User Fee in the name of Gordon, Earl Ray Amount: \$0.00
 Value: \$0.00 Year: 2009 Account # 13-15480 Bill # 8631 Total \$420.00

Release user fee. 2 Buildings are vacant.

| | | | |
|----------------------|--|---------|----------|
| Release the User Fee | in the name of Jones, Charles A. | Amount: | \$0.00 |
| Value: | \$0.00 Year: 2009 Account # 12-13700 Bill # 5527 | Total | \$210.00 |

Release user fee. Property is vacant.

| | | | |
|----------------------|--|---------|----------|
| Release the User Fee | in the name of Jones, Charles A. | Amount: | \$0.00 |
| Value: | \$0.00 Year: 2008-0 Account # 12-04316 Bill # 9999 | Total | \$410.00 |

Release user fee for yrs 2008 and 2009. No can at this address.

| | | | |
|----------------------|--|---------|----------|
| Release the User Fee | in the name of Ward, Jerry Wayne & Tina | Amount: | \$0.00 |
| Value: | \$0.00 Year: 2009 Account # 03-01727 Bill # 6797 | Total | \$210.00 |

Release user fee. Can picked up 2009.

Agenda Item #23: COMMENTS:

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

A. Department Heads:

1. **Gary Lanier, Economic Development:** stated the following:
 - a. I appreciate the support of the Resolution for the feasibility study; **and**
 - b. I will share with you some information that was published on July 02, 2010 regarding the ordering of Post-Panamax ships.
2. **Edward Davis, Soil and Water Conservation:** stated the following:
 - a. On the debris removal study, after Hurricane Floyd and Hurricane Fran, I was a part of the inspection crew;
 - b. We worked under the Emergency Watershed Protection for USDA on how to discard this debris; **and**
 - c. I will be happy to work with Mr. Clark and Mr. Stephens on the request that has been made.

B. Board of Commissioners:

1. **Commissioner McKenzie:** Mr. Stephens, have you started looking into a county-wide water district?
Mike Stephens: replied stating the following:
 - a. There is no statutory authority to combine water districts;
 - b. Statutorily, you can create or dissolve a water district;
 - c. If you decide to dissolve the water districts, you would run into problems with the bond referendums; **and**
 - d. There is a lot of legal issues involved in this process.
2. **Commissioner Prevatte:** stated the following:
 - a. Beginning in 2008, and 2009 and 2010, this Board made a decision to cut their salaries by one thousand, five hundred, and 00/100;
 - b. The first year, it was to be designated to any department that they wanted to;
 - c. The next year, it was to be back to the General Fund;
 - d. This year, at our Budget Workshop, we took a straw poll and it was a five (5) to one (1) vote, Commissioner Lynwood was not present, that we would take that one thousand, five hundred, and 00/100 (\$1,500.00) dollars cut again;
 - e. I understand that it was left out of the Budget somehow, and I would like to make a motion;
 - f. It was a five (5) to one (1) vote (general consensus). Commissioner McKenzie voted against it. It did not get put in the final Budget, so I offer the following motion.

MOTION:

Commissioner Prevatte made a motion that we take one thousand, five hundred, and 00/100 (\$1,500.00) dollars reduction of pay, and that one thousand, five hundred, and 00/100 (\$1,500.00) dollars go back into the General Fund, seconded by Commissioner Bullard.

DISCUSSION:

Lengthy and in-depth discussion was conducted relative to the following:

1. The original motion that was made in **2007** when this salary reduction was started;
2. The motions that were made in the following years;
3. How many Board members had designated this one thousand, five hundred, and 00/100 (\$1,500.00) dollars to agencies and not the General Fund;
4. How many Board members had returned the funds to the General Fund; **and**
5. The lack of specificity of these funds at the June 15, 2009 Board Meeting.

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

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

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

3. **Vice Chairman Byrd:** stated the following:
 - a. We have a ball team in the County that has become State Champions and is going to play in Louisiana;
 - b. I understand that the team cannot solicit funds, they have to do it as individuals;
 - c. I have been contacted by some people in my area saying that we should maybe help since they have already won the State Championship;
 - d. I feel like since they are the State Champions, that we should help out some and I would like to put that in a motion of the amount of five hundred and 00/100 (\$500.00) dollars.

MOTION:

Vice Chairman Byrd made a motion to donate the sum of five hundred and 00/100 (\$500.00) dollars to East Columbus Dixie Softball Team, seconded by Commissioner McKenzie.

Julie Strickland: replied stating the following:

1. I have already received a request from the Columbus County Dixie Softball Team;
2. The purchase order has already been submitted for five hundred and 00/100 (\$500.00) dollars, and this amount is in my budget; **and**
3. Any team that goes out of the State representing the County receives five hundred and 00/100 (\$500.00) dollars.
4. **Chairman Russ:** stated the following:
 - a. I would like to thank Ms. Peggy Gerald who is the new member of the Social Services Board for being such a nice person and always willing to help where she is needed; **and**
 - b. I originally asked for a meeting with the Department Heads and the Board of Commissioners, and in checking with Mr. Fogle at the Social Services Department, I would like for the Department Heads to send an e-mail to all of their employees asking them the following three (3) questions:
 1. What factors make you want to live and work in Columbus County?;
 2. What do you like the most, and the least about your employment with the Columbus County Government?; **and**
 3. What could be done to make your working environment better?; **and**
 - c. After these surveys have been returned to the Department Heads, then we can schedule a meeting with the Department Heads for discussion of the results.

RECESS REGULAR SESSION and enter into CLOSED SESSION in ACCORDANCE with N.C.G.S. § 143.318-11 (6) PERSONNEL:

At 8:39 P.M., Vice Chairman Byrd made a motion to recess Regular Session and enter into Closed Session in accordance with N.C.G.S. § 143.18-11 (6) Personnel, after a five (5) minute recess, seconded by Commissioner Norris. The motion unanimously passed.

CLOSED SESSION in ACCORDANCE with N.C.G.S. § 143.318-11 (6) PERSONNEL:

No official action was taken.

ADJOURN CLOSED SESSION and resume REGULAR SESSION:

At 9:05 P.M., Commissioner Bullard made a motion to adjourn Closed Session and resume Regular Session, seconded by Commissioner Gore. The motion unanimously passed.

READING and APPROVAL of CLOSED SESSION GENERAL ACCOUNT:

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

“The Board of Commissioners discussed the residency policy involving County Personnel .”

Commissioner Prevatte made a motion to approve the Closed Session General Account, seconded by Commissioner Bullard. The motion unanimously passed.

OTHER:

STOLEN PROPERTY:

Commissioner Gore stated the following in reference to stolen property:

1. I had a person in my community call me today, and I would like for Mr. Clark to check into this for me;
2. This gentlemen left three (3) tractors in a field where he was working on Friday, and one (1) of the tractors valued at fifty thousand and 00/100 (\$50,000.00), plus, dollars was stolen;
3. This was reported to the Sheriff’s Department, and when the Deputy came out to investigate the situation, he told the gentleman that with all that was going on in Columbus County, this tractor was not on his priority list;
4. I have discussed this with Lieutenant Hatcher and he was suppose to get back with me, and he has not; **and**
5. I am requesting that this matter be checked into.

Agenda Item #24: ADJOURNMENT:

At 9:09 P.M., Commissioner Bullard made a motion to adjourn, seconded by Commissioner Gore. 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**

Monday, July 19, 2010

8:03 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 District I Board.

COMMISSIONERS PRESENT:

P. Edwin Russ, **Chairman**
Giles E. Byrd, **Vice Chairman**
Amon E. McKenzie
James 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 8:03 P.M., Chairman Russ called the **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board meeting to order.

Agenda Item #18: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

Commissioner Norris made a motion to approve the July 06, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting Minutes, as recorded, seconded by Commissioner McKenzie. The motion unanimously passed.

Agenda Item #19: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of ADJUSTMENTS to the DECEMBER, 2009, MARCH, APRIL, MAY and JUNE, 2010 MONTHLY WATER BILLS:

Kip McClary, Public Utilities Director, requested Board approval of the following adjustments to the December, 2009 and the March, April, May and June, 2010 monthly water bills for Columbus County Water and Sewer District I.

DISTRICT I ADJUSTMENTS FOR THE MONTH OF DECEMBER, 2009

| DATE | ACCT # | NAME ON ACCOUNT | ADJ AMT | REASON FOR ADJUSTMENT |
|-------------|---------------|------------------------|----------------|------------------------------|
| 12/012009 | 103720.00 96 | CANDACE FOWLER | 21.00- | BILLING ERROR |
| 12/7/2009 | 302340.00 98 | GARY CARTRET | 25.00 | NSF |
| 12/7/2009 | 302340.00 98 | GARY CARTRET | 30.00 | RECONNECT FEE |
| 12/7/2009 | 302010.00 98 | F.M. CARTRET | 42.00 | NSF |
| 12/7/2009 | 302010.00 98 | F.M. CARTRET | 30.00 | RECONNECT FEE |
| 12/7/2009 | 302020.00 98 | TWIN STATE MOVERS | 26.00 | NSF |

| | | | | |
|------------|--------------|-------------------|---------|------------------|
| 12/7/2009 | 302020.00 98 | TWIN STATE MOVERS | 25.00 | NSF FEE |
| 12/7/2009 | 302020.00 98 | TWIN STATE MOVERS | 30.00 | RECONNECT FEE |
| 12/8/2009 | 200010.00 98 | CLOVIE WARD | 8.00 | CREDIT REFUND |
| 12/14/2009 | 600290.00 98 | ANNIE MCKVIAN | 25.00 | NSF |
| 12/14/2009 | 600290.00 98 | ANNIE MCKVIAN | 25.00 | NSF FEE |
| 12/16/2009 | 208570.00 97 | JUSTIN CRIBB | 5.00- | BILLING ERROR |
| 12/15/2009 | 208570.00 97 | JUSTIN CRIBB | 40.00- | CUSTOMER LEAK |
| 12/23/2009 | 600790.00 98 | JESSIE GRAHAM | 240.00- | METER READ WRONG |
| 12/29/2009 | 206140.00 98 | DONALD FOWLER | 21.00 | NSF |
| 12/29/2009 | 206140.00 98 | DONALD FOWLER | 25.00 | NSF FEE |
| 12/29/2009 | 206140.00 98 | DONALD FOWLER | 46.00- | CLERK ERROR |
| 12/30/2009 | 103720.00 96 | CANDACE FOWLER | 21.00- | BILLING ERROR |
| 12/30/2009 | 204880 | CINDY MCCOY | 30.00- | TABOR ERROR |
| 12/30/2009 | 603595 | DORIS SHIPMAN | 30.00- | TABOR ERROR |
| 12/30/2009 | 201040 | ANGIE GIVINS | 30.00- | TABOR ERROR |
| 12/30/2009 | 600140 | ANDREW GONZALEZ | 30.00- | TABOR ERROR |
| 12/30/2009 | 302350 | MITCHELL CARTRET | 30.00- | TABOR ERROR |
| 12/30/2009 | 400550 | HOWARD WORLEY | 30.00- | TABOR ERROR |
| 12/30/2009 | 201040 | ANGIE GIVINS | 30.00- | TABOR ERROR |

DISTRICT I ADJUSTMENTS FOR THE MONTH OF MARCH 2010

| <u>DATE</u> | <u>ACCT #</u> | <u>ACCT NAME</u> | <u>ADJ AMT</u> | <u>REASON FOR ADJUSTMENT</u> |
|-------------|---------------|------------------|----------------|------------------------------|
| 3/1/2010 | 402300.00 98 | TRAVIS WRIGHT | 260.00- | METER READ WRONG |
| 3/4/2010 | 604130.00 96 | ASHLEIGH STEVENS | 21.00- | BILLING ERROR |
| 3/4/2010 | 604130.00 96 | ASHLEIGH STEVENS | 8.00 | CREDIT REFUND |
| 3/9/2010 | 103720.00 96 | CANDICE FOWLER | 21.00- | BILLING ERROR |
| 3/9/2010 | 100628.00 98 | ILA P BENTON | 33.00 | NSF |
| 3/9/2010 | 100628.00 98 | ILA P BENTON | 25.00 | NSF FEE |
| 3/10/2010 | 601080.00 98 | BILLY LIVINGSTON | 56.00- | CUSTOMER LEAK |
| 3/11/2010 | 200850 | SHARON JONES | 101.00- | COUNTY LEAK |
| 3/15/2010 | 600710.00 97 | JESSE GRAHAM | 74.00- | CUSTOMER LEAK |
| 3/25/2010 | 104372.00 98 | DOLLY FRIEL | 150.00 | METER TAMPERING FEE |
| 3/30/2010 | 603700.00 98 | PAMELA BENNETT | 29.00 | NSF |
| 3/30/2010 | 603700.00 98 | PAMELA BENNETT | 25.00 | NSF FEE |

DISTRICT I ADJUSTMENTS FOR THE MONTH OF APRIL, 2010

| <u>DATE</u> | <u>ACCT #</u> | <u>ACCT NAME</u> | <u>ADJ AMT</u> | <u>REASON FOR ADJUSTMENT</u> |
|-------------|---------------|----------------------|----------------|------------------------------|
| 4/1/2010 | 100930.00 98 | JAMES T. TODD JR. | -19.00 | METER READ WRONG |
| 4/6/2010 | 101120.00 93 | LUTHER WATTS | -98.00 | BILLING ERROR |
| 4/6/2010 | 102750 | SHERRY LOIKA | -50.00 | APPLY DEPOSIT |
| 4/8/2010 | 100445.00 98 | JOHN MCCUMBEE | 125.00 | BROKEN SETTER FEE |
| 4/14/2010 | 201430.00 98 | NORRIS COUNTRY STORE | -66.00 | CUSTOMER LEAK |
| 4/21/2010 | 402780.00 98 | DAVID HARDWICK | 33.00 | NSF |
| 4/21/2010 | 402780.00 98 | DAVID HARDWICK | 25.00 | NSF FEE |
| 4/22/2010 | 402780.00 98 | DAVID HARDWICK | -30.00 | BILLING ERROR |
| 4/22/2010 | 603700.00 98 | PAMELA BENNETT | -30.00 | BILLING ERROR |
| 4/22/2010 | 400490 | CHARLES HARDEE | -30.00 | BILLING ERROR |
| 4/22/2010 | 100627 | DANNY FIELDS | -30.00 | BILLING ERROR |
| 4/22/2010 | 204000 | MARION SHEETS | -30.00 | BILLING ERROR |
| 4/22/2010 | 601870 | ROSA ROBESON | -30.00 | BILLING ERROR |
| 4/22/2010 | 201670 | COURTNEY BARNHILL | -30.00 | BILLING ERROR |
| 4/22/2010 | 603500 | DINAH SMITH | -30.00 | BILLING ERROR |
| 4/22/2010 | 601525 | SUSAN WRIGHT | -30.00 | BILLING ERROR |

| | | | | |
|-----------|--------------|----------------|--------|---------------------|
| 4/22/2010 | 400740 | MARJORIE KELLY | -30.00 | BILLING ERROR |
| 4/22/2010 | 201570 | ROBERT BAKER | -30.00 | BILLING ERROR |
| 4/22/2010 | 405100 | ROBERT BELL | -30.00 | BILLING ERROR |
| 4/22/2010 | 603280 | PATRICIA PUGH | -50.00 | FEE WAIVED |
| 4/26/2010 | 300770.00 98 | STEPHEN NORRIS | 152.00 | COMPUTER ERROR |
| 4/27/2010 | 200010.00 98 | MICHEAL COX | 50.00 | METER TAMPERING FEE |
| 4/27/2010 | 401190.00 98 | TENA MIZELLE | 50.00 | METER TAMPERING FEE |
| 4/27/2010 | 400830.00 98 | DAVID HARRIS | 50.00 | METER TAMPERING FEE |
| 4/27/2010 | 206400.00 98 | ANDREW ROGERS | 50.00 | METER TAMPERING FEE |

DISTRICT I ADJUSTMENTS FOR THE MONTH OF MAY, 2010

| DATE | ACCT # | ACCT NAME | ADJ AMT | REASON FOR ADJUSTMENT |
|-------------|---------------|------------------------------|----------------|------------------------------|
| 5/3/2010 | 102750.00 96 | SHERRY LOIKA | -21.00 | BILLING ERROR |
| 5/3/2010 | 102750.00 96 | SHERRY LOIKA | 8.00 | DEPOSIT REFUND |
| 5/3/2010 | 203890.00 97 | DORIS NORRIS | -5.60 | BILLING ERROR |
| 5/3/2010 | 203890.00 97 | DORIS NORRIS | -50.00 | DEPOSIT APPLIED |
| 5/3/2010 | 203890.00 97 | DORIS NORRIS | 17.00 | CREDIT TRANSFER |
| 5/3/2010 | 204215.00 94 | DORIS NORRIS | -17.00 | CREDIT TRANSFER |
| 5/4/2010 | 100850.00 96 | AUDELLA JACOBS | -37.10 | BILLING ERROR |
| 5/4/2010 | 100850.00 96 | AUDELLA JACOBS | -50.00 | DEPOSIT APPLIED |
| 5/4/2010 | 100850.00 96 | AUDELLA JACOBS | 50.00 | DEPOSIT REFUND |
| 5/5/2010 | 401710.00 97 | SHARON SOLES | -356.00 | BILLING ERROR |
| 5/7/2010 | 103330.00 95 | JEFFERY LONG | 79.80 | CREDIT TRANSFER |
| 5/7/2010 | 104100.00 97 | ANGELA SIMMONS | -79.80 | CREDIT TRANSFER |
| 5/12/2010 | 604065.00 97 | KATRINA GAUSE | 50.00 | DEPOSIT REFUND |
| 5/12/2010 | 100140.00 96 | JEANETTE WILLIAMS | -50.00 | DEPOSIT APPLIED |
| 5/12/2010 | 100140.00 96 | JEANETTE WILLIAMS | 16.40 | DEPOSIT REFUND |
| 5/13/2010 | 401720.00 98 | B. PERRY CRIBB | -25.00 | CUSTOMER LEAK |
| 5/18/2010 | 206340 | DANNY FOWLER | -5.00 | BILLING ERROR |
| 5/18/210 | 602470 | MARSHALL SMITH | -5.00 | BILLING ERROR |
| 5/18/2010 | 104130 | ROYCE FOWLER | -5.00 | BILLING ERROR |
| 5/18/2010 | 302910 | TOY DUNCAN | -5.00 | BILLING ERROR |
| 5/18/2010 | 201220 | FREEMAN GRATE | -5.00 | BILLING ERROR |
| 5/18/2010 | 302390 | ROGER TODD | -5.00 | BILLING ERROR |
| 5/18/2010 | 100840 | JUANITA JORDAN | -5.00 | BILLING ERROR |
| 5/18/2010 | 401670 | BILLY NEALEY | -5.00 | BILLING ERROR |
| 5/18/2010 | 709959 | ONEVA FAULK | -5.00 | BILLING ERROR |
| 5/18/2010 | 101370 | GREG CLEMMONS | -5.00 | BILLING ERROR |
| 5/19/2010 | 404080.00 98 | ANNETTE WRIGHT | -26.00 | COMPUTER BATCH ERROR |
| 5/19/2010 | 405080.00 98 | JOHN HARDWICK | 33.00 | NSF |
| 5/19/2010 | 405080.00 98 | JOHN HARDWICK | 25.00 | NSF FEE |
| 5/25/2010 | 602500 | MITCHELL WARD | -30.00 | BILLING ERROR |
| 5/25/2010 | 102250.00 98 | ANDY LEFTER | 29.00 | CLERK ERROR |
| 5/25/2010 | 204690 | CLEMUS BELLAMY | -1,678.00 | COMPUTER BATCH ERROR |
| 5/26/2010 | 102931.00 98 | ERNEST MISE | 100.00 | MANUAL TAP |
| 5/28/2010 | 201890.00 98 | BILLY PRINCE | -39988.00 | METER READ WRONG |
| 5/28/2010 | 400420.00 96 | JEFFREY SHOCKLEY | -39980.00 | METER READ WRONG |
| 5/28/2010 | 405330.00 98 | BELIEVERS HOME FELLOWSHIP | -38,940.00 | METER READ WRONG |

DISTRICT I ADJUSTMENTS FOR THE MONTH OF JUNE, 2010

| DATE | ACCT # | ACCT NAME | ADJ AMT | REASON FOR ADJUSTMENT |
|-------------|---------------|------------------|----------------|------------------------------|
| 6/1/2010 | 103730.00 98 | CRAIG MCPHERSON | -50.00 | APPLY DEPOSIT |

| | | | | | |
|-----------|-----------|----|--------------------|-----------|----------------------|
| 6/1/2010 | 404945.00 | 94 | ANNETTA CARTRETTE | -50.00 | APPLY DEPOSIT |
| 6/1/2010 | 603970.00 | 96 | WILMA BOGGS | -148.00 | METER READ WRONG |
| 6/1/2010 | 206400.00 | 98 | ANDREW ROGERS | 50.00 | METER TAMPERING FEE |
| 6/1/2010 | 201360.00 | 94 | DONALD WILLIAMS | 50.00 | METER TAMPERING FEE |
| 6/2/2010 | 201355.00 | 89 | VICTORIA JENERETTE | -50.00 | APPLY DEPOSIT |
| 6/2/2010 | 404945.00 | 94 | ANNETTA CARTRETTE | 8.75 | CREDIT REFUND |
| 6/3/2010 | 101120.00 | 93 | LUTHER WATTS | -21.00 | BILLING ERROR |
| 6/4/2010 | 101550.00 | 96 | ROCKY DURDEN | -42.00 | BILLING ERROR |
| 6/7/2010 | 105120.00 | 95 | GLORONDA STEPHENS | -50.00 | APPLY DEPOSIT |
| 6/10/2010 | 206685.00 | 96 | DAVID GOODWIN | -77.00 | BILLING ERROR |
| 6/10/2010 | 206685.00 | 96 | DAVID GOODWIN | 50.00 | DEPOSIT TRANSFER |
| 6/10/2010 | 101120.00 | 92 | DAVID GOODWIN | -50.00 | DEPOSIT TRANSFER |
| 6/16/2010 | 603410.00 | 87 | TEMESHIA THOMPSON | -39987.20 | METER READ WRONG |
| 6/16/2010 | 104372.00 | 98 | DOLLY WILLIAMS | -1232.10 | METER READ WRONG |
| 6/17/2010 | 405080.00 | 98 | JOHN HARDWICK | 29.00 | NSF |
| 6/17/2010 | 405080.00 | 98 | JOHN HARDWICK | 25.00 | NSF FEE |
| 6/17/2010 | 102720.00 | 98 | AUDREY NEALEY | 30.00 | NSF |
| 6/17/2010 | 102720.00 | 98 | AUDREY NEALEY | 25.00 | NSF FEE |
| 6/21/2010 | 601080 | | BILLY LIVINGSTON | -39620.00 | METER READ WRONG |
| 6/23/2010 | 401830 | | JACKIE HARDWICK | -80.00 | COMPUTER BATCH ERROR |
| 6/23/2010 | 400770 | | MICHAEL HARDWICH | 29.00 | BILLING ERROR |
| 6/23/2010 | 204300.00 | 98 | LARRY FAULK | -30.00 | PENALTY WAIVED |
| 6/23/2010 | 603410.00 | 87 | TEMESHIA THOMPSON | -50.00 | APPLY DEPOSIT |
| 6/28/2010 | 102931.00 | 98 | ERNEST MISE | 100.00 | TAP FEE ADJUSTMENT |
| 6/28/2010 | 102891.00 | 98 | ERNEST MISE | 100.00 | TAP FEE ADJUSTMENT |
| 6/28/2010 | 200820.00 | 97 | ERNEST FOX | 50.00 | METER TAMPERING FEE |

Commissioner McKenzie made a motion to approve the December, 2009, the March, April, May and June, 2010 monthly adjustments to the water bills for Columbus County Water and Sewer District I, seconded by Vice Chairman Byrd. The motion unanimously passed.

Agenda Item #20: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - REVIEW of the UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:

Commissioner Prevatte requested the Board to review and revise the sections of the Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, pertaining to billing and collecting.

Commissioner Prevatte stated the following:

1. The water bills go out on the 1st day of the month;
2. The payment due date is on the 15th of the month;
3. There is a five and 00/100 (\$5.00) dollars late fee if the bill is not paid by the 15th;
4. If the water bill has not been paid by the 20th of the month, the water is disconnected on the 21st of the month;
5. On the 21st of the month, the customer is charged an extra thirty and 00/100 (\$30.00) dollars Delinquent Account Penalty whether the water is disconnected or not, and this additional fee being charged is difficult for customers to pay who live on fixed incomes;
6. I think the time frame for paying the water bill is too short of a turn-around time;
7. Many of our customers depend on their Social Security checks to pay their water bills, and

it has been established that the Social Security checks are mailed out at different times of the month;

8. What I am proposing is that we grant a one (1) time waiver on the Delinquent Account Penalty of thirty and 00/100 (\$30.00) dollars to customers, if they have a good payment history, and that we give the customers thirty (30) days to pay their bill.
9. The Flat Rate Fee for Columbus County Water and Sewer Districts I, IV and V needs to be changed on “Attachment A” in the Uniform Rules from twenty-one and 00/100 (\$21.00) dollars to twenty-five and 00/100 (\$25.00) dollars; **and**
10. I think the due date for the water bill should still be on the 15th of the month, but the water should not be cut off until the 30th of the month.

After lengthy discussion was conducted, Commissioner McKenzie made the following motion to approve the following **revised** Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, on its first reading, as follows:

1. One (1) time waiver of the thirty and 00/100 (\$30.00) dollars Delinquent Account Penalty, if the customer has a good payment history;
2. Give the customer thirty (30) days to pay their bill; **and**
3. The due date of the water bill will remain the 15th of the month, but the water will not be turned off until after the 30th of the month.

The motion was seconded by Commissioner Prevatte. A roll-call vote was taken with the following results:

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

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

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. 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. 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 or 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 fifteen (15) 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 late or 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 with 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 delinquent penalty determined by the District is paid for each meter reconnected. In addition, a \$25.00 reconnect fee 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 any service charge, delinquent penalty, or reconnection fee. 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 charged 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 (C) 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 water supply system after the cost of the tap has been paid in full and there is no remaining balance on 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 disconnection 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 that manages 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. Utilities Director
 - 3. Water Advisory Board
 - 4. Board of Commissioners

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 (C) 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: _____

Approved and Adopted this 2nd day of August, 2010

Signature: _____
P. Edwin Russ, Chairman
Columbus County Board of Commissioners

Attest By: _____
June B. Hall
Clerk to the Board

“Attachment A”

Water Rate Schedule

| | | |
|----------------------------|--------------------------------|---------|
| <u>District I</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District II</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District III</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District IV</u> | 1st 2,000 Gallons | \$25.00 |

| | | |
|-------------------------------|--------------------------------|---------|
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District V</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| | Prison | |
| | Every 1,000 Gallons | \$ 6.00 |
| <u>Guideway School</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |

*******THIS WATER FEE SCHEDULE IS CURRENT AS OF JULY 2010. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY*******

“Attachment B”

| <u>Application Fee</u> | <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 |
| <u>Security Deposit</u> | | |
| Per Account | \$ 50.00 | |
| <u>Late Payment Fee</u> | | |
| After Due Date | \$ 5.00 | |
| <u>Delinquent Account Penalty</u> | | |
| Per Account | \$ 30.00 | |
| <u>Reconnection Fee</u> | | |
| Per Account | \$ 25.00 | |
| <u>Return Check Fee</u> | | |
| Per Check | \$ 25.00 | |
| <u>Meter Testing Fee</u> | | |
| Per Meter | \$ 25.00 | |
| <u>Meter Tampering Fee</u> | | |

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 (C) 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.)

Subsection (C) Set out Twice - The second version of subsection (C) set The first
Version of subsection © set out above is effective January 1, 1995. Above is
Effective until January 1, 1995. Editor's Note - Sessions Laws 1993.

ADJOURNMENT:

At 8:21 P.M., Vice Chairman Byrd 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**

Monday, July 19, 2010

8:03 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 District II Board.

COMMISSIONERS PRESENT:

P. Edwin Russ, **Chairman**
Giles E. Byrd, **Vice Chairman**
Amon E. McKenzie
James 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 8:03 P.M., Chairman Russ called the **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board meeting to order.

Agenda Item #18: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

Commissioner Norris made a motion to approve the July 06, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting Minutes, as recorded, seconded by Commissioner McKenzie. The motion unanimously passed.

Agenda Item #19: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of ADJUSTMENTS to the DECEMBER, 2009, MARCH, APRIL, MAY and JUNE, 2010 MONTHLY WATER BILLS:

Kip McClary, Public Utilities Director, requested Board approval of the following adjustments to the December, 2009 and the March, April, May and June, 2010 monthly water bills for Columbus County Water and Sewer District II.

DISTRICT II ADJUSTMENTS FOR THE MONTH OF DECEMBER, 2009

| DATE | ACCT # | ACCT NAME | ADJ AMT | REASON FOR ADJUSTMENT |
|-------------|---------------|------------------|----------------|------------------------------|
| 12/1/2009 | 140260.00 98 | FRANCES P. LYONS | 39989.00- | METER READ WRONG |
| 12/1/2009 | 140260.00 98 | FRANCES P. LYONS | 54.00 | CREDIT REFUND |
| 12/2/2009 | 111630.00 94 | MELISSA POWELL | 76.00 | NSF |
| 12/4/2009 | 143270.00 97 | TINA NANCE | 9.17- | BILLING ERROR |
| 12/8/2009 | 140260.00 98 | FRANCES P. LYONS | 8.00- | CLERK ERROR |

| | | | | |
|------------|--------------|-------------------|---------|-----------------|
| 12/8/2009 | 141015.00 97 | KESHA RATTLEY | 50.00 | DEPOSIT REFUND |
| 12/8/2009 | 144010.00 98 | RALPH AVANT | 50.00 | DEPOSIT REFUND |
| 12/9/2009 | 120150.00 97 | ANTHONY WILLIAMS | 46.00 | NSF |
| 12/9/2009 | 120150.00 97 | ANTHONY WILLIAMS | 25.00 | NSF FEE |
| 12/14/2009 | 132190.00 98 | WILLIAM IVEY | 212.00- | CUSTOMER LEAK |
| 12/16/2009 | 132190.00 98 | WILLIAM IVEY | 5.00- | BILLING ERROR |
| 12/21/2009 | 140120.00 98 | JOELEEN HARDEE | 5.00- | PENALTY WAIVED |
| 12/22/2009 | 132920.00 97 | HENRY WILLIAMSON | 50.00- | DEPOSIT APPLIED |
| 12/22/2009 | 133138.00 98 | WWKO | 27.00- | CUSTOMER LEAK |
| 12/29/2009 | 111630.00 94 | MELISSA POWELL | 76.00 | NSF |
| 12/29/2009 | 111630.00 94 | MELISSA POWELL | 25.00 | NSF FEE |
| 12/29/2009 | 131655.00 98 | CYNTHIA ROSS | 25.00 | NSF |
| 12/29/2009 | 131655.00 98 | CYNTHIA ROSS | \$25.00 | NSF FEE |
| 12/30/2009 | 131820.00 96 | VERNON WILLIAMSON | 25.00 | DISCONNECT FEE |

DISTRICT II ADJUSTMENTS FOR THE MONTH OF MARCH, 2010

| <u>DATE</u> | <u>ACCT #</u> | <u>ACCT NAME</u> | <u>ADJ AMT</u> | <u>REASON FOR ADJUSTMENT</u> |
|-------------|---------------|-------------------|----------------|------------------------------|
| 3/1/2010 | 132920.00 97 | HENRY WILLIAMSON | 7.50 | CREDIT REFUND |
| 3/1/2010 | 131820.00 96 | VERNON WILLIAMSON | 30.00- | BILLING ERROR |
| 3/2/2010 | 140460.00 98 | BOBBY WILLIAMS | 17.00- | CUSTOMER LEAK |
| 3/1/2010 | 111100.00 98 | GREG SLATER | 148.00- | CUSTOMER LEAK |
| 3/5/2010 | 141056.00 98 | CECILIA MITCHELL | 68.00- | METER READ WRONG |
| 3/8/2010 | 120550.00 98 | JOHN NOBLES SR. | 36.00- | METER READ WRONG |
| 3/9/2010 | 140510 | SCOTT L HOOKS | 12.00- | METER READ WRONG |
| 3/9/2010 | 120970.00 98 | GENE STRICKLAND | 44.00- | CUSTOMER LEAK |
| 3/9/2010 | 131360.00 98 | CARROLL MARTIN | 23.00- | CUSTOMER LEAK |
| 3/9/2010 | 143810.00 94 | CRYSTAL BARKER | 12.00- | CUSTOMER LEAK |
| 3/11/2010 | 143330.00 96 | ELEANOR KINLAW | 20.00- | CUSTOMER LEAK |
| 3/16/2010 | 141260.00 97 | BOYCE MCKENZIE | 101.00- | CUSTOMER LEAK |
| 3/17/2010 | 142930 | MT HOREB CHURCH | 240.00- | CUSTOMER LEAK |
| 3/18/2010 | 110930.00 98 | DEBORAH HIGH | 30.00- | BILLING ERROR |
| 3/19/2010 | 111110.00 98 | TIMOTHY SLATER | 79.00- | CUSTOMER LEAK |
| 3/29/2010 | 142893 | IVEY LENNON | 5.00- | PENALTY WAIVED |

DISTRICT II ADJUSTMENTS FOR THE MONTH OF APRIL 2010

| <u>DATE</u> | <u>ACCT #</u> | <u>ACCT NAME</u> | <u>ADJ AMT</u> | <u>REASON FOR ADJUSTMENT</u> |
|-------------|---------------|--------------------|----------------|------------------------------|
| 4/1/2010 | 131640.00 98 | LEONA MARTIN | -492.00 | CUSTOMER LEAK |
| 4/6/2010 | 111644.00 95 | LENA GROOMS | -101.00 | BILLING ERROR |
| 4/6/2010 | 111190.00 97 | JOHN POWELL | -69.00 | CUSTOMER LEAK |
| 4/8/2010 | 130830.00 98 | JAMES P DORSEY JR | -71.00 | CUSTOMER LEAK |
| 4/16/2010 | 110520 | TIM BYRD | -50.00 | APPLY DEPOSIT |
| 4/16/2010 | 110520 | TIM BYRD | 25.00 | DISCONNECT FEE |
| 4/26/2010 | 131785.00 98 | CHARLES WILLIAMSON | -30.00 | PENALTY WAIVED |
| 4/26/2010 | 141257 | ELOISE WARD | -64.00 | POSTING ERROR |
| 4/26/2010 | 141251 | DONALD RAY WOOD | 29.00 | POSTING ERROR |
| 4/27/2010 | 111392.00 97 | KIMBERLY NOBLES | 50.00 | METER TAMPERING FEE |

DISTRICT II ADJUSTMENTS FOR THE MONTH OF MAY, 2010

| <u>DATE</u> | <u>ACCT #</u> | <u>ACCT NAME</u> | <u>ADJ AMT</u> | <u>REASON FOR ADJUSTMENT</u> |
|-------------|---------------|------------------|----------------|------------------------------|
| 5/3/2010 | 144462.00 98 | RUTH MCALISTER | -984.00 | METER READ WRONG |
| 5/3/2010 | 111088.00 98 | CATHERINE BROWN | -484.00 | METER READ WRONG |

| | | | | |
|-----------|--------------|------------------|-----------|----------------------|
| 5/4/2010 | 144459.00 98 | SUSIE LESANE | -276.00 | METER READ WRONG |
| 5/4/2010 | 141660.00 95 | SHERRI MORRIS | -1920.00 | METER READ WRONG |
| 5/4/2010 | 110870.00 95 | RONALD CURTIS | -360.00 | METER READ WRONG |
| 5/6/2010 | 142583.00 98 | JEFF SIMMONS | -8.00 | METER READ WRONG |
| 5/7/2010 | 132910.00 98 | GRACE MCLLAND | -25.00 | BILLING ERROR |
| 5/14/2010 | 132972 | GAIL STRICKLAND | -39600.00 | METER READ WRONG |
| 5/14/2010 | 144465.00 97 | WANDA MCDUFFIE | -284.00 | COMPUTER BATCH ERROR |
| 5/14/2010 | 141355.00 98 | FRANK ADDISON | -39955.00 | METER READ WRONG |
| 5/19/2010 | 143150.00 98 | CAREY SEALEY | 29.00 | NSF |
| 5/19/2010 | 143150.00 98 | CAREY SEALEY | 25.00 | NSF FEE |
| 5/20/2010 | 143795.00 95 | HEATHER MILLIGAN | -50.00 | DEPOSIT APPLIED |
| 5/24/2010 | 143520.00 92 | JOHN NANCE | -39558.00 | COMPUTER BATCH ERROR |
| 5/24/2010 | 143150.00 98 | CAREY SEALEY | -30.00 | BILLING ERROR |
| 5/25/2010 | 120250.00 98 | RETHEB BELLAMY | -64.00 | CLERK ERROR |
| 5/26/2010 | 111016.00 98 | JERRY DEAVER | 100.00 | MANUAL TAP |
| 5/26/2010 | 141232.00 97 | TANYA WILSON | 100.00 | MANUAL TAP |
| 5/26/2010 | 141355.00 98 | FRANK ADDISON | -64.00 | BILLING ERROR |
| 5/28/2010 | 132972.00 98 | GAIL STRICKLAND | -400.00 | METER READ WRONG |
| 5/28/2010 | 140460.00 98 | BOBBY WILLIAMS | -38552.00 | METER READ WRONG |
| 5/28/2010 | 141400 | DAVID HARRIS | -39988.00 | METER READ WRONG |

DISTRICT II ADJUSTMENTS FOR THE MONTH OF JUNE, 2010

| <u>DATE</u> | <u>ACCT #</u> | <u>ACCT NAME</u> | <u>ADJ AMT</u> | <u>REASON FOR ADJUSTMENT</u> |
|--------------------|----------------------|-------------------------|-----------------------|-------------------------------------|
| 6/1/2010 | 121400.00 95 | KATHY ELLISON | -75.67 | CUSTOMER LEAK |
| 6/1/2010 | 133586.00 97 | DEBRA CREIGHTON | 50.00 | METER TAMPERING FEE |
| 6/2/2010 | 120640.00 98 | GERRY BLACKWELL | 50.00 | METER TAMPERING FEE |
| 6/1/2010 | 132610.00 94 | MARK MARTIN | -125.00 | CUSTOMER LEAK |
| 6/3/2010 | 142370.00 98 | JANICE SANDERSON | -110.00 | CUSTOMER LEAK |
| 6/3/2010 | 121640.00 97 | JACK BOWEN | -75.00 | BILLING ERROR |
| 6/3/2010 | 131640.00 98 | LEONA MARTIN | -85.00 | INACTIVE ACCOUNT STATUS |
| 6/3/2010 | 140320.00 96 | SHANA STALEY | -21.00 | CUSTOMER LEAK |
| 6/3/2010 | 140310.00 98 | MELONIE CANADY | -42.00 | CUSTOMER LEAK |
| 6/8/2010 | 142210.00 96 | ADAM BEAULIEU | -50.00 | APPLY DEPOSIT |
| 6/8/2010 | 130101 | JACQUELINE CAMPBELL | 50.00 | NSF |
| 6/8/2010 | 130101 | JACQUELINE CAMPBELL | 25.00 | NSF FEE |
| 6/10/2010 | 142243.00 98 | LAWRENCE JACKSON | -66.00 | CUSTOMER LEAK |
| 6/11/2010 | 132700.00 98 | CARLA FLOYD | -50.00 | APPLY DEPOSIT |
| 6/16/2010 | 120450.00 93 | JACOB HAYES | -40004.17 | METER READ ERROR |
| 6/16/2010 | 111333.00 98 | DALE REAVES | -76.00 | CUSTOMER LEAK |
| 6/16/2010 | 140865.00 91 | SAVELLA MCARTHUR | -50.00 | APPLY DEPOSIT |
| 6/16/2010 | 110580.00 98 | SHANE WARD | -105.60 | BILLING ERROR |
| 6/17/2010 | 143150.00 98 | CAREY SEALEY | 50.00 | NSF |
| 6/17/2010 | 143150.00 98 | CAREY SEALEY | 25.00 | NSF FEE |
| 6/17/2010 | 120150.00 97 | ANTHONY WILLIAMS | 50.00 | NSF |
| 6/17/2010 | 120150.00 97 | ANTHONY WILLIAMS | 25.00 | NSF FEE |
| 6/21/2010 | 140205.00 98 | CHARLIE BULLOCK | -39.00 | CUSTOMER LEAK |
| 6/22/2010 | 121410.00 92 | TINA ELMORE | -\$92.00 | CUSTOMER LEAK |
| 6/22/2010 | 141335.00 98 | JACKIE HAYWOOD | -165.00 | CUSTOMER LEAK |
| 6/22/2010 | 111275.00 98 | DANIEL WARD | -41.00 | MANUAL BILLING |
| 6/23/2010 | 111715.00 98 | EDDIE HAMMOND | -35.00 | BILLING ERROR |
| 6/23/2010 | 133140 | HAMILTON & SON | -129.00 | CUSTOMER LEAK |
| 6/23/2010 | 120692 | JASON NOBLES | -35.00 | BILLING ERROR |
| 6/23/2010 | 132584 | MARSHA NOBLES | -56.00 | CUT OFF AND READ |
| 6/28/2010 | 111016.00 98 | JERRY DEAVER | 100.00 | TAP FEE ADJUSTMENT |
| 6/28/2010 | 141232.00 97 | TANYA WILSON | 100.00 | TAP FEE ADJUSTMENT |
| 6/28/2010 | 111800.00 98 | MARY HARDIN | 37.00 | NSF |

| | | | | |
|-----------|--------------|---------------|---------|-----------------|
| 6/28/2010 | 111800.00 98 | MARY HARDIN | 25.00 | NSF FEE |
| 6/28/2010 | 111540.00 95 | NETTIE MAYES | 50.00 | METER TAMPERING |
| 6/29/2010 | 121250.00 98 | PEGGY SORRELL | -134.00 | CUSTOMER LEAK |

Commissioner McKenzie made a motion to approve the December, 2009, the March, April, May and June, 2010 monthly adjustments to the water bills for Columbus County Water and Sewer District II, seconded by Vice Chairman Byrd. The motion unanimously passed.

.Agenda Item #20: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - REVIEW of the UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:

Commissioner Prevatte requested the Board to review and revise the sections of the Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, pertaining to billing and collecting.

Commissioner Prevatte stated the following:

1. The water bills go out on the 1st day of the month;
2. The payment due date is on the 15th of the month;
3. There is a five and 00/100 (\$5.00) dollars late fee if the bill is not paid by the 15th;
4. If the water bill has not been paid by the 20th of the month, the water is disconnected on the 21st of the month;
5. On the 21st of the month, the customer is charged an extra thirty and 00/100 (\$30.00) dollars Delinquent Account Penalty whether the water is disconnected or not, and this additional fee being charged is difficult for customers to pay who live on fixed incomes;
6. I think the time frame for paying the water bill is too short of a turn-around time;
7. Many of our customers depend on their Social Security checks to pay their water bills, and it has been established that the Social Security checks are mailed out at different times of the month;
8. What I am proposing is that we grant a one (1) time waiver on the Delinquent Account Penalty of thirty and 00/100 (\$30.00) dollars to customers, if they have a good payment history, and that we give the customers thirty (30) days to pay their bill.
9. The Flat Rate Fee for Columbus County Water and Sewer Districts I, IV and V needs to be changed on "Attachment A" in the Uniform Rules from twenty-one and 00/100 (\$21.00) dollars to twenty-five and 00/100 (\$25.00) dollars; **and**
10. I think the due date for the water bill should still be on the 15th of the month, but the water should not be cut off until the 30th of the month.

After lengthy discussion was conducted, Commissioner McKenzie made the following motion to approve the following **revised** Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, on its first reading, as follows:

1. One (1) time waiver of the thirty and 00/100 (\$30.00) dollars Delinquent Account Penalty, if the customer has a good payment history;
2. Give the customer thirty (30) days to pay their bill; **and**
3. The due date of the water bill will remain the 15th of the month, but the water will not be

turned off until after the 30th of the month.

The motion was seconded by Commissioner Prevatte. A roll-call vote was taken with the following results:

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

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

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. 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. 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 or 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 fifteen (15) 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 late or 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 delinquent penalty determined by the District is paid for each meter reconnected. In addition, a \$25.00 reconnect fee 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 any service charge, delinquent penalty, or reconnection fee. 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 charged 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 (C) 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 water supply system after the cost of the tap has been paid in full and there is no remaining balance on 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 disconnection 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 that manages 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. Utilities Director
3. Water Advisory Board
4. Board of Commissioners

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 (C) 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: _____

Approved and Adopted this 2nd day of August, 2010

Signature:

 P. Edwin Russ, Chairman
 Columbus County Board of Commissioners

Attest By:

 June B. Hall
 Clerk to the Board

“Attachment A”

Water Rate Schedule

| | | |
|-------------------------------|--------------------------------|---------|
| <u>District I</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District II</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District III</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District IV</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District V</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| | Prison | |
| | Every 1,000 Gallons | \$ 6.00 |
| <u>Guideway School</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |

*******THIS WATER FEE SCHEDULE IS CURRENT AS OF JULY 2010. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY*******

“Attachment B”

| <u>Application Fee</u> | <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 |

| | |
|--|----------|
| <u>Security Deposit</u> | |
| Per Account | \$ 50.00 |
| <u>Late Payment Fee</u> | |
| After Due Date | \$ 5.00 |
| <u>Delinquent Account Penalty</u> | |
| Per Account | \$ 30.00 |
| <u>Reconnection Fee</u> | |
| Per Account | \$ 25.00 |
| <u>Return Check Fee</u> | |
| Per Check | \$ 25.00 |
| <u>Meter Testing Fee</u> | |
| 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 (C) 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.)

Subsection (C) Set out Twice - The second version of subsection (C) set The first Version of subsection © set out above is effective January 1, 1995. Above is Effective until January 1, 1995. Editor’s Note - Sessions Laws 1993.

ADJOURNMENT:

At 8:21 P.M., Vice Chairman Byrd 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**

Monday, July 19, 2010

8:03 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 District III Board.

COMMISSIONERS PRESENT:

P. Edwin Russ, **Chairman**
Giles E. Byrd, **Vice Chairman**
Amon E. McKenzie
James 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 8:03 P.M., Chairman Russ called the **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board meeting to order.

Agenda Item #18: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

Commissioner Norris made a motion to approve the July 06, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting Minutes, as recorded, seconded by Commissioner McKenzie. The motion unanimously passed.

Agenda Item #19: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of ADJUSTMENTS to the DECEMBER, 2009, MARCH, APRIL, MAY and JUNE, 2010 MONTHLY WATER BILLS:

Kip McClary, Public Utilities Director, requested Board approval of the following adjustments to the December, 2009 and the March, April, May and June, 2010 monthly water bills for Columbus County Water and Sewer District III.

DISTRICT III ADJUSTMENTS FOR THE MONTH OF DECEMBER, 2009

| DATE | ACCT # | ACCT NAME | ADJ AMT | REASON FOR ADJUSTMENT |
|-------------|---------------|------------------|----------------|------------------------------|
| 12/1/2009 | 340670 | ANNA STARK | 25.00- | BILLING ERROR |
| 12/1/2009 | 340670 | ANNA STARK | 25.00- | BILLING ERROR |
| 12/1/2009 | 340670 | ANNA STARK | 50.00 | DEPOSIT REFUND |
| 12/8/2009 | 340670.00 96 | ANNA STARK | 25.00- | CLERK ERROR |
| 12/16/2009 | 371801.00 98 | JACK THOMPkins | 29.00 | NSF |

| | | | | |
|-------------|--------------|-------------------|--------|---------------------|
| 12/16/2009 | 341770.00 98 | GORDON BEST | 33.00 | NSF |
| 12/29/2009 | 350650.00 98 | CHRIS DEW | 30.00- | PENALTY WAIVED |
| 12/29/2009 | 371801.00 98 | JACK THOMPCKINS | 29.00 | NSF |
| 12/29/2009 | 371801.00 98 | JACK THOMPCKINS | 25.00 | NSF FEE |
| 12/29/2009 | 360960.00 98 | BETTY JO OXENDINE | 49.00 | NSF |
| 12/29/2009/ | 360960.00 98 | BETTY JO OXENDINE | 25.00 | NSF FEE |
| 12/30/2009 | 350019.00 94 | STACEY JORDAN | 50.00- | APPLY DEPOSIT |
| 12/30/2009 | 380385.00 97 | GIBSON MURRAY | 100.00 | METER TAMPERING FEE |

DISTRICT III ADJUSTMENTS FOR THE MONTH OF MARCH 2010

| <u>DATE</u> | <u>ACCT #</u> | <u>ACCT NAME</u> | <u>ADJ AMT</u> | <u>REASON FOR ADJUSTMENT</u> |
|-------------|---------------|------------------|----------------|------------------------------|
| 3/1/2010 | 381160.00 98 | KELLY PRINCE | 25.00- | BILLING ERROR |
| 3/1/2010 | 380540.00 98 | NOVELLA MURPHY | 25.00- | BILLING ERROR |
| 3/8/2010 | 350530.00 96 | WILLIAM ANDERSON | 17.50- | BILLING ERROR |
| 3/8/2010 | 350530.00 96 | WILLIAM ANDERSON | 50.00 | DEPOSIT REFUND |
| 3/9/2010 | 370130.00 98 | LARRY BRITT | 25.00- | BILLING ERROR |
| 3/10/2010 | 360860.00 96 | BARBARA SNYDER | 50.00- | BILLING ERROR |
| 3/11/2010 | 341100.00 98 | WILLETTE RIDER | 27.00- | METER READ WRONG |
| 3/11/2010 | 380990.00 98 | GRAHAM BEST | 5.00- | PENALTY WAIVED |

DISTRICT III ADJUSTMENTS FOR THE MONTH OF APRIL, 2010

| <u>DATE</u> | <u>ACCT #</u> | <u>ACCT NAME</u> | <u>ADJ AMT</u> | <u>REASON FOR ADJUSTMENT</u> |
|-------------|---------------|-----------------------|----------------|------------------------------|
| 4/6/2010 | 380385 | GIBSON MURRAY | -25.00 | BILLING ERROR |
| 4/7/2010 | 331100.00 98 | OMIE WIGGINS | 33.00 | CLERK ERROR |
| 4/9/2010 | 340130.00 97 | EDDIE'S PIG & CHICKEN | -50.00 | BILLING ERROR |
| 4/13/2010 | 330560.00 98 | THELBERT HILL SR. | -30.00 | BILLING ERROR |
| 4/14/2010 | 331144.00 97 | JANNETTE BROWN | -86.00 | CUSTOMER LEAK |
| 4/19/2010 | 340215.00 98 | SUSAN SMITH | -25.00 | BILLING ERROR |
| 4/19/2010 | 370850.00 97 | RANDALL SHAVER | -33.00 | BILLING ERROR |
| 4/19/2010 | 370633.00 98 | CHARLES RAWLS | -40.00 | BILLING ERROR |
| 4/20/2010 | 370138.00 98 | LARRY BRITT | -30.00 | BILLING ERROR |
| 4/21/2010 | 341325.00 98 | LAURA BRITT | 45.00 | NSF |
| 4/21/2010 | 341325.00 98 | LAURA BRITT | 25.00 | NSF FEE |
| 4/22/2010 | 380550.00 98 | ADRIAN GEORGE | -75.00 | BILLING ERROR |
| 4/22/2010 | 340610.00 96 | KRISTI PADGETT | -30.00 | BILLING ERROR |
| 4/27/2010 | 380437.00 98 | EBONY MCKENZIE | \$50.00 | METER TAMPERING FEE |

DISTRICT III ADJUSTMENTS FOR THE MONTH OF MAY, 2010

| <u>DATE</u> | <u>ACCT #</u> | <u>ACCT NAME</u> | <u>ADJ AMT</u> | <u>REASON FOR ADJUSTMENT</u> |
|-------------|---------------|------------------|----------------|------------------------------|
| 5/3/2010 | 340450.00 97 | FORREST STROLE | -50.00 | APPLY DEPOSIT |
| 5/3/2010 | 360350.00 94 | LINDA POWELL | -2228.00 | METER READ WRONG |
| 5/3/2010 | 340374.00 98 | PHILLIP BOWEN | -448.00 | METER READ WRONG |
| 5/3/2010 | 340376.00 98 | OTIS MCNEIL | -324.00 | METER READ WRONG |
| 5/3/2010 | 380885.00 98 | JOHN COGDELL | -34.00 | CUSTOMER LEAK |
| 5/3/2010 | 330410.00 97 | WJ HUMPHREY | -50.00 | DEPOSIT APPLIED |
| 5/4/2010 | 340670.00 96 | ANNA STARK | -38837.00 | METER READ WRONG |
| 5/11/2010 | 370130.00 98 | LARRY BRITT | -85.00 | BILLING ERROR |
| 5/17/2010 | 380575.00 96 | ABRON BEST | -25.00 | COMPUTER BATCH ERROR |
| 5/25/2010 | 370130.00 98 | LARRY BRITT | 25.00 | RECONNECT FEE |
| 5/26/2010 | 331545.00.97 | GUY JEMISON | 60.00 | COMPUTER BATCH ERROR |

| | | | | |
|-----------|--------------|----------------|--------------|----------------------|
| 5/26/2010 | 331546.00 98 | DONNA JEMISON | -100.00 | COMPUTER BATCH ERROR |
| 5/28/2010 | 380795.00 98 | MELINDA POWELL | -39,520.00 | METER READ WRONG |
| 5/28/2010 | 341128.00 98 | ROGER ELKINS | -\$39,556.00 | METER READ WRONG |

DISTRICT III ADJUSTMENTS FOR THE MONTH OF JUNE, 2010

| <u>DATE</u> | <u>ACCT #</u> | <u>ACCT NAME</u> | <u>ADJ AMT</u> | <u>REASON FOR ADJUSTMENT</u> |
|-------------|---------------|--------------------|----------------|------------------------------|
| 6/1/2010 | 380820 | GREG MCMULLEN | -50.00 | APPLY DEPOSIT |
| 6/3/2010 | 370255.00 97 | JACK BOWEN | -25.00 | CREDIT TRANSFER |
| 6/7/2010 | 350865.00 96 | SAMUEL HILBURN | -50.00 | APPLY DEPOSIT |
| 6/7/2010 | 350865.00 96 | SAMUEL HILBURN | 21.00 | DEPOSIT REFUND |
| 6/8/2010 | 370130.00 98 | LARRY BRITT | -25.00 | RECONNECT FEE |
| 6/10/2010 | 340270.00 98 | GAIL CROOM | -232.00 | CUSTOMER LEAK |
| 6/11/2010 | 341650.00 98 | PETER ASHLEY | -38.00 | CUSTOMER LEAK |
| 6/14/2010 | 370758.00 98 | ALFONZA ELLIS | -39483.00 | WRONG METER READING |
| 6/15/2010 | 380380.00 97 | ERIN LEAR | 25.00 | DEPOSIT REFUND |
| 6/15/2010 | 360125.00 96 | MARGIE BROWN | -50.00 | APPLY DEPOSIT |
| 6/18/2010 | 360440.00 97 | RYAN MORRIS | 29.00 | COMPUTER BATCH ERROR |
| 6/18/2010 | 360448 | NATALIE FRAZIER | -34.00 | COMPUTER BATCH ERROR |
| 6/18/2010 | 380430.00 96 | PATRICIA LEE | 12.50 | COMPUTER BATCH ERROR |
| 6/18/2010 | 380430.00 97 | CAROLYN LEE - | \$12.50 | COMPUTER BATCH ERROR |
| 6/21/2010 | 360730.00 98 | LAWRENCE PALMER | -39709.00 | WRONG METER READING |
| 6/22/2010 | 350261.00 98 | TRACY CRIBB | -27.00 | CUSTOMER LEAK |
| 6/22/2010 | 341755.00 92 | CHRISTOPHER NICKLE | -50.00 | APPLY DEPOSIT |
| 6/22/2010 | 341755.00 92 | CHRISTOPHER NICKLE | -5.00 | BILLING ERROR |
| 6/23/2010 | 380910.00 98 | CLEVELAND BELL | -30.00 | PENALTY WAIVED |
| 6/23/2010 | 380430.00 96 | PATRICIA BELLAMY | -42.50 | BILLING ERROR |

Commissioner McKenzie made a motion to approve the December, 2009, the March, April, May and June, 2010 monthly adjustments to the water bills for Columbus County Water and Sewer District III, seconded by Vice Chairman Byrd. The motion unanimously passed.

Agenda Item #20: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - REVIEW of the UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:

Commissioner Prevatte requested the Board to review and revise the sections of the Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, pertaining to billing and collecting.

Commissioner Prevatte stated the following:

1. The water bills go out on the 1st day of the month;
2. The payment due date is on the 15th of the month;
3. There is a five and 00/100 (\$5.00) dollars late fee if the bill is not paid by the 15th;
4. If the water bill has not been paid by the 20th of the month, the water is disconnected on the 21st of the month;
5. On the 21st of the month, the customer is charged an extra thirty and 00/100 (\$30.00) dollars Delinquent Account Penalty whether the water is disconnected or not, and this additional fee

- being charged is difficult for customers to pay who live on fixed incomes;
6. I think the time frame for paying the water bill is too short of a turn-around time;
 7. Many of our customers depend on their Social Security checks to pay their water bills, and it has been established that the Social Security checks are mailed out at different times of the month;
 8. What I am proposing is that we grant a one (1) time waiver on the Delinquent Account Penalty of thirty and 00/100 (\$30.00) dollars to customers, if they have a good payment history, and that we give the customers thirty (30) days to pay their bill.
 9. The Flat Rate Fee for Columbus County Water and Sewer Districts I, IV and V needs to be changed on "Attachment A" in the Uniform Rules from twenty-one and 00/100 (\$21.00) dollars to twenty-five and 00/100 (\$25.00) dollars; **and**
 10. I think the due date for the water bill should still be on the 15th of the month, but the water should not be cut off until the 30th of the month.

After lengthy discussion was conducted, Commissioner McKenzie made the following motion to approve the following **revised** Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, on its first reading, as follows:

1. One (1) time waiver of the thirty and 00/100 (\$30.00) dollars Delinquent Account Penalty, if the customer has a good payment history;
2. Give the customer thirty (30) days to pay their bill; **and**
3. The due date of the water bill will remain the 15th of the month, but the water will not be turned off until after the 30th of the month.

The motion was seconded by Commissioner Prevatte. A roll-call vote was taken with the following results:

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

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

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. 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.

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 or 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 fifteen (15) 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 late or 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 delinquent penalty determined by the District is paid for each meter reconnected. In addition, a \$25.00 reconnect fee 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 any service charge, delinquent penalty, or reconnection fee. 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 charged 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 (C) 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 water supply system after the cost of the tap has been paid in full and there is no remaining balance on 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 disconnection 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 that manages 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. Utilities Director
 - 3. Water Advisory Board
 - 4. Board of Commissioners

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 (C) 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: _____

Approved and Adopted this 2nd day of August, 2010

Signature: _____
P. Edwin Russ, Chairman
Columbus County Board of Commissioners

Attest By: _____
June B. Hall
Clerk to the Board

“Attachment A”

Water Rate Schedule

| | | |
|----------------------------|--------------------------------|---------|
| <u>District I</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District II</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District III</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District IV</u> | 1st 2,000 Gallons | \$25.00 |

300

| | | |
|-------------------------------|--------------------------------|---------|
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District V</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| | Prison | |
| | Every 1,000 Gallons | \$ 6.00 |
| <u>Guideway School</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |

*******THIS WATER FEE SCHEDULE IS CURRENT AS OF JULY 2010. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY*******

“Attachment B”

| <u>Application Fee</u> | <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 |
| <u>Security Deposit</u> | | |
| Per Account | \$ 50.00 | |
| <u>Late Payment Fee</u> | | |
| After Due Date | \$ 5.00 | |
| <u>Delinquent Account Penalty</u> | | |
| Per Account | \$ 30.00 | |
| <u>Reconnection Fee</u> | | |
| Per Account | \$ 25.00 | |
| <u>Return Check Fee</u> | | |
| Per Check | \$ 25.00 | |
| <u>Meter Testing Fee</u> | | |
| Per Meter | \$ 25.00 | |
| <u>Meter Tampering Fee</u> | | |

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 (C) 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.)

Subsection (C) Set out Twice - The second version of subsection (C) set The first
Version of subsection © set out above is effective January 1, 1995. Above is
Effective until January 1, 1995. Editor's Note - Sessions Laws 1993.

ADJOURNMENT:

At 8:21 P.M., Vice Chairman Byrd 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**

Monday, July 19, 2010

8:03 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 District V Board.

COMMISSIONERS PRESENT:

P. Edwin Russ, **Chairman**
Giles E. Byrd, **Vice Chairman**
Amon E. McKenzie
James 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 8:03 P.M., Chairman Russ called the **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board meeting to order.

Agenda Item #18: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

Commissioner Norris made a motion to approve the July 06, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting Minutes, as recorded, seconded by Commissioner McKenzie. The motion unanimously passed.

Agenda Item #19: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of ADJUSTMENTS to the DECEMBER, 2009, MARCH, APRIL, MAY and JUNE, 2010 MONTHLY WATER BILLS:

Kip McClary, Public Utilities Director, requested Board approval of the following adjustments to the December, 2009 and the March, April, May and June, 2010 monthly water bills for Columbus County Water and Sewer District IV.

DISTRICT IV ADJUSTMENTS FOR THE MONTH OF MARCH 2010

| <u>DATE</u> | <u>ACCT #</u> | <u>NAME ON ACCT</u> | <u>AMOUNT</u> | <u>REASON FOR ADJUSTMENT</u> |
|--------------------|----------------------|----------------------------|----------------------|-------------------------------------|
| 3/1/2010 | 410350.00.98 | Anna Shaw Kirk | 45.00- | Billing Error |
| 3/9/2010 | 410080.00.98 | Carl Lynn | 54.00- | Customer Leak |
| 3/17/2010 | 410620.00.98 | Clarence Carr | 16.00- | Meter Read Wrong |

DISTRICT IV ADJUSTMENTS FOR THE MONTH OF MARCH 2010

| <u>DATE</u> | <u>ACCT #</u> | <u>NAME ON ACCT</u> | <u>AMOUNT</u> | <u>REASON FOR ADJUSTMENT</u> |
|-------------|---------------|---------------------|---------------|------------------------------|
| 4/7/2010 | 410340.00.93 | Dana keel | -264.00 | Customer Leak |

DISTRICT IV ADJUSTMENTS FOR THE MONTH OF MAY. 2010

| <u>DATE</u> | <u>ACCT #</u> | <u>ACCT NAME</u> | <u>ADJ AMT</u> | <u>REASON FOR ADJUSTMENT</u> |
|-------------|---------------|------------------|----------------|------------------------------|
| 5/3/2010 | 410260.00 98 | BETTY MOSS | -516.00 | COMPUTER BATCH ERROR |
| 5/28/2010 | 410080.00 98 | CARL LYNN | -39,552.00 | METER READ WRONG |
| 5/28/2010 | 410490.00 98 | GERLINE JACKSON | -36000.00 | METER READ WRONG |

DISTRICT IV ADJUSTMENTS FOR THE MONTH OF JUNE, 2010

| <u>DATE</u> | <u>ACCT #</u> | <u>ACCT NAME</u> | <u>ADJ AMT</u> | <u>REASON FOR ADJUSTMENT</u> |
|-------------|---------------|------------------|----------------|------------------------------|
| 6/1/2010 | 410080.00 98 | CARL LYNN | -211.00 | BILLING ERROR |
| 6/17/2010 | 410190.00 98 | EUGENE SHAW | 25.00 | NSF |
| 6/17/2010 | 410190.00 98 | EUGENE SHAW | 25.00 | NSF FEE |
| 6/22/2010 | 410350.00 98 | ANNA KIRK | -\$21.00 | BILLING ERROR |
| 6/22/2010 | 410350.00 97 | VIVIAN PATTERSON | -88.00 | BILLING ERROR |

Commissioner McKenzie made a motion to approve the December, 2009, the March, April, May and June, 2010 monthly adjustments to the water bills for Columbus County Water and Sewer District IV, seconded by Vice Chairman Byrd. The motion unanimously passed.

Agenda Item #20: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - REVIEW of the UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:

Commissioner Prevatte requested the Board to review and revise the sections of the Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, pertaining to billing and collecting.

Commissioner Prevatte stated the following:

1. The water bills go out on the 1st day of the month;
2. The payment due date is on the 15th of the month;
3. There is a five and 00/100 (\$5.00) dollars late fee if the bill is not paid by the 15th;
4. If the water bill has not been paid by the 20th of the month, the water is disconnected on the 21st of the month;
5. On the 21st of the month, the customer is charged an extra thirty and 00/100 (\$30.00) dollars Delinquent Account Penalty whether the water is disconnected or not, and this additional fee being charged is difficult for customers to pay who live on fixed incomes;
6. I think the time frame for paying the water bill is too short of a turn-around time;
7. Many of our customers depend on their Social Security checks to pay their water bills, and it has been established that the Social Security checks are mailed out at different times of the month;

8. What I am proposing is that we grant a one (1) time waiver on the Delinquent Account Penalty of thirty and 00/100 (\$30.00) dollars to customers, if they have a good payment history, and that we give the customers thirty (30) days to pay their bill.
9. The Flat Rate Fee for Columbus County Water and Sewer Districts I, IV and V needs to be changed on "Attachment A" in the Uniform Rules from twenty-one and 00/100 (\$21.00) dollars to twenty-five and 00/100 (\$25.00) dollars; **and**
10. I think the due date for the water bill should still be on the 15th of the month, but the water should not be cut off until the 30th of the month.

After lengthy discussion was conducted, Commissioner McKenzie made the following motion to approve the following **revised** Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, on its first reading, as follows:

1. One (1) time waiver of the thirty and 00/100 (\$30.00) dollars Delinquent Account Penalty, if the customer has a good payment history;
2. Give the customer thirty (30) days to pay their bill; **and**
3. The due date of the water bill will remain the 15th of the month, but the water will not be turned off until after the 30th of the month.

The motion was seconded by Commissioner Prevatte. A roll-call vote was taken with the following results:

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

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

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. 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. 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.

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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 or 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 fifteen (15) 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 late or 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 delinquent penalty determined by the District is paid for each meter reconnected. In addition, a \$25.00 reconnect fee 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 any service charge, delinquent penalty, or reconnection fee. 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 charged 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 (C) 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 water supply system after the cost of the tap has been paid in

full and there is no remaining balance on 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 disconnection 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 that manages 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. Utilities Director
 - 3. Water Advisory Board
 - 4. Board of Commissioners

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 (C) 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: _____

Approved and Adopted this 2nd day of August, 2010

Signature: _____
P. Edwin Russ, Chairman
Columbus County Board of Commissioners

Attest By: _____
June B. Hall
Clerk to the Board

“Attachment A”

Water Rate Schedule

| | | |
|----------------------------|--------------------------------|---------|
| <u>District I</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District II</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District III</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District IV</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District V</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |

Prison

| | |
|---------------------|---------|
| Every 1,000 Gallons | \$ 6.00 |
|---------------------|---------|

Guideway School

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

*******THIS WATER FEE SCHEDULE IS CURRENT AS OF JULY 2010. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY*******

“Attachment B”

| <u>Application Fee</u> | <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 |
| <u>Security Deposit</u> | | |
| Per Account | \$ 50.00 | |
| <u>Late Payment Fee</u> | | |
| After Due Date | \$ 5.00 | |
| <u>Delinquent Account Penalty</u> | | |
| Per Account | \$ 30.00 | |
| <u>Reconnection Fee</u> | | |
| Per Account | \$ 25.00 | |
| <u>Return Check Fee</u> | | |
| Per Check | \$ 25.00 | |
| <u>Meter Testing Fee</u> | | |
| Per Meter | \$ 25.00 | |
| <u>Meter Tampering Fee</u> | | |

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 (C) of the North Carolina General Statute.

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.)

Subsection (C) Set out Twice - The second version of subsection (C) set The first
Version of subsection © set out above is effective January 1, 1995. Above is
Effective until January 1, 1995. Editor's Note - Sessions Laws 1993.

**Agenda Item #21: COLUMBUS COUNTY WATER and SEWER DISTRICT IV -
APPROVAL of CHANGE ORDER NUMBER 4, T.A. LOVING
COMPANY:**

Kip McClary, Public Utilities Director, requested Board approval of Change Order Number 4, Contract 1, for T.A. Loving Company, for an increase of eighty-two thousand, one hundred twenty-three and 25/100 (\$82,123.25) dollars.

Vice Chairman Byrd made a motion to approve Change Order Number 4, Contract 1, for T.A. Loving Company, for an increase of eighty-two thousand, one hundred twenty-three and 25/100 (\$82,123.25) dollars, seconded by Commissioner Gore. The motion unanimously passed. A copy of this Change Order will be marked as Exhibit "C", and kept on file in Minute Book Attachments, Book Number 4, for review.

ADJOURNMENT:

At 8:21 P.M., Vice Chairman Byrd 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

Monday, July 19, 2010

8:03 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 District V Board.

COMMISSIONERS PRESENT:

P. Edwin Russ, **Chairman**
 Giles E. Byrd, **Vice Chairman**
 Amon E. McKenzie
 James 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 8:03 P.M., Chairman Russ called the **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board meeting to order.

Agenda Item #18: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

Commissioner Norris made a motion to approve the July 06, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting Minutes, as recorded, seconded by Commissioner McKenzie. The motion unanimously passed.

Agenda Item #19: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of ADJUSTMENTS to the DECEMBER, 2009, MARCH, APRIL, MAY and JUNE, 2010 MONTHLY WATER BILLS:

Kip McClary, Public Utilities Director, requested Board approval of the following adjustments to the December, 2009 and the March, April, May and June, 2010 monthly water bills for Columbus County Water and Sewer District V.

DISTRICT V ADJUSTMENTS FOR THE MONTH OF DECEMBER, 2009

| DATE | ACCT # | ACCT NAME | ADJ AMT | REASON FOR ADJUSTMENT |
|-------------|---------------|------------------|----------------|------------------------------|
| 12/1/2009 | 800702 | BILLY GORE | 4.00- | WRONG METER READING |
| 12/3/2009 | 800440.00 98 | GARY WARD | 30.00- | CUT OFF WAIVED |
| 12/16/2009 | 709990.00 98 | REBECCA SULLIVAN | 39969.50- | METER READING ERROR |
| 12/17/2009 | 709170 | JEROME DEDFORD | 26.00- | CLERK ERROR |
| 12/17/2009 | 709160 | JEROME DEDFORD | 21.00 | CLERK ERROR |

| | | | | |
|------------|--------------|----------------|--------|----------------|
| 12/22/2009 | 800085.00 98 | RICHARD LANIER | 5.00- | PENALTY WAIVED |
| 12/23/2009 | 800119.00 98 | THOMAS CLARIDA | 30.00- | PENALTY WAIVED |

DISTRICT V ADJUSTMENTS FOR THE MONTH OF MARCH

| <u>DATE</u> | <u>ACCT #</u> | <u>ACCT NAME</u> | <u>ADJ AMT</u> | <u>REASON FOR ADJUSTMENT</u> |
|-------------|---------------|------------------|----------------|------------------------------|
| 3/1/2010 | 709981.00 98 | BETTY JO MORLAN | 80.00- | CUSTOMER LEAK |
| 3/1/2010 | 709990.00 98 | REBECCA SULLIVAN | 26.00- | CUSTOMER LEAK |
| 3/17/2010 | 800615.00 98 | FAITH CHURCH | 33.00- | CUSTOMER LEAK |
| 3/17/2010 | 800087 | CHARLOTTE SPIVEY | 48.00- | CUSTOMER LEAK |
| 3/23/2010 | 703600.00 98 | TERRY RABON | 50.00 | DISCONNECT/RECONNECT FEES |
| 3/23/2010 | 703600.00 98 | TERRY RABON | 13.30- | BILLING ERROR |

DISTRICT V ADJUSTMENTS FOR THE MONTH OF APRIL, 2010

| <u>DATE</u> | <u>ACCT #</u> | <u>ACCT NAME</u> | <u>ADJ AMT</u> | <u>REASON FOR ADJUSTMENT</u> |
|-------------|---------------|------------------|----------------|------------------------------|
| 4/6/2010 | 709990.00 98 | REBECCA SULLIVAN | -90.00 | CUSTOMER LEAK |
| 4/14/2010 | 800517.00 98 | DONALD JOHNSON | -96.00 | BILLING ERROR |
| 4/14/2010 | 800669.00 97 | LARRY GORE | -50.00 | APPLY DEPOSIT |
| 4/19/2010 | 800614.00 98 | RHONDA CAINES | -26.00 | CLERK ERROR |
| 4/19/2010 | 800514.00 98 | CHRISTOPHER GORE | 21.00 | CLERK ERROR |
| 4/20/2010 | 709947.00 98 | PEARLINE GERALD | -42.00 | BILLING ERROR |
| 4/21/2010 | 708600.00 98 | DEBRA COX | -223.70 | CLERK ERROR |
| 4/21/2010 | 708600.00 98 | DEBRA COX | -307.30 | CLERK ERROR |
| 4/21/2010 | 708700.00 98 | PHIL COX | 223.70 | CLERK ERROR |
| 4/28/2010 | 800503 | WILLIAM GORE | 25.00 | NSF FEE |
| 4/28/2010 | 800503 | WILLIAM GORE | -25.00 | NSF FEE |

DISTRICT V ADJUSTMENTS FOR THE MONTH OF MAY, 2010

| <u>DATE</u> | <u>ACCT #</u> | <u>ACCT NAME</u> | <u>ADJ AMT</u> | <u>REASON FOR ADJUSTMENT</u> |
|-------------|---------------|--------------------------|----------------|------------------------------|
| 5/3/2010 | 800466.00 98 | BRIAN CHESTNUTT | -4,008.00 | METER READ WRONG |
| 5/10/2010 | 709994 | PIREWAY PRIMITIVE CHURCH | -56.00 | COMPUTER BATCH ERROR |
| 5/10/2010 | 700024.00 97 | FRED BUCK II | -50.00 | APPLY DEPOSIT |
| 5/10/2010 | 700039.00 98 | DULAH BAPTIST CHURCH | -132.00 | COMPUTER BATCH ERROR |
| 5/20/2010 | 701111.00 98 | PUMP STATION | -5,532,841.00 | READING ERROR |
| 5/20/2010 | 701112.00 98 | METER VAULT | -357,125.00 | READING ERROR |
| 5/26/2010 | 709970.00 98 | SIGFRIED LONG | 100.00 | MANUAL TAP |
| 5/27/2010 | 700060.00 98 | PAMELA BUCK | -30.00 | BILLING ERROR |

DISTRICT V ADJUSTMENTS FOR THE MONTH OF JUNE

| <u>DATE</u> | <u>ACCT #</u> | <u>ACCT NAME</u> | <u>ADJ AMT</u> | <u>REASON FOR ADJUSTMENT</u> |
|-------------|---------------|------------------|----------------|------------------------------|
| 6/1/2010 | 709500.00 97 | LENA TODD | -50.00 | APPLY DEPOSIT |
| 6/1/2010 | 701250.00 97 | NCDOC | -35.00 | PENALTY WAIVED |
| 6/1/2010 | 800119.00 98 | THOMAS CLARIDA | 39.00 | TAP FEE ADJUSTMENT |
| 6/1/2010 | 800119.00 98 | THOMAS CLARIDA | 25.00 | DISCONNECT FEE |
| 6/2/2010 | 800466 | BRIAN CHESTNUTT | -84.00 | BILLING ERROR |
| 6/3/2010 | 800049.00 98 | MARY B WRIGHT | 47.00 | DISCONNECT FEES |
| 6/3/2010 | 709937.00 98 | TAMMY CLARK | 163.00 | DISCONNECT FEES |
| 6/15/2010 | 800475.00 98 | ASHLEY VALAS | 25.00 | DISCONNECT FEE |
| 6/15/2010 | 800475.00 98 | ASHLEY VALAS | -50.00 | APPLY DEPOSIT |
| 6/23/2010 | 700047.00 98 | DEBRA GAMBILL | -16.60 | BILLING ERROR |
| 6/23/2010 | 6/23/2010 | MARY WRIGHT | -82.00 | DISCONNECT FEES |

6/28/2010 709970.00 98 SIEGFRIED LONG 100.00 TAP FEE ADJUSTMENT

Commissioner McKenzie made a motion to approve the December, 2009, the March, April, May and June, 2010 monthly adjustments to the water bills for Columbus County Water and Sewer District V, seconded by Vice Chairman Byrd. The motion unanimously passed.

Agenda Item #20: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - REVIEW of the UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:

Commissioner Prevatte requested the Board to review and revise the sections of the Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, pertaining to billing and collecting.

Commissioner Prevatte stated the following:

1. The water bills go out on the 1st day of the month;
2. The payment due date is on the 15th of the month;
3. There is a five and 00/100 (\$5.00) dollars late fee if the bill is not paid by the 15th;
4. If the water bill has not been paid by the 20th of the month, the water is disconnected on the 21st of the month;
5. On the 21st of the month, the customer is charged an extra thirty and 00/100 (\$30.00) dollars Delinquent Account Penalty whether the water is disconnected or not, and this additional fee being charged is difficult for customers to pay who live on fixed incomes;
6. I think the time frame for paying the water bill is too short of a turn-around time;
7. Many of our customers depend on their Social Security checks to pay their water bills, and it has been established that the Social Security checks are mailed out at different times of the month;
8. What I am proposing is that we grant a one (1) time waiver on the Delinquent Account Penalty of thirty and 00/100 (\$30.00) dollars to customers, if they have a good payment history, and that we give the customers thirty (30) days to pay their bill.
9. The Flat Rate Fee for Columbus County Water and Sewer Districts I, IV and V needs to be changed on "Attachment A" in the Uniform Rules from twenty-one and 00/100 (\$21.00) dollars to twenty-five and 00/100 (\$25.00) dollars; **and**
10. I think the due date for the water bill should still be on the 15th of the month, but the water should not be cut off until the 30th of the month.

After lengthy discussion was conducted, Commissioner McKenzie made the following motion to approve the following **revised** Uniform Rules for All Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, on its first reading, as follows:

1. One (1) time waiver of the thirty and 00/100 (\$30.00) dollars Delinquent Account Penalty, if the customer has a good payment history;
2. Give the customer thirty (30) days to pay their bill; **and**
3. The due date of the water bill will remain the 15th of the month, but the water will not be turned off until after the 30th of the month.

The motion was seconded by Commissioner Prevatte. A roll-call vote was taken with the following results:

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

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

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”.

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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. 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. 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.

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- (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 or 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 fifteen (15) 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 late or 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 delinquent penalty determined by the District is paid for each meter reconnected. In addition, a \$25.00 reconnect fee 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 any service charge, delinquent penalty, or reconnection fee. 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 charged 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 (C) 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 water supply system after the cost of the tap has been paid in full and there is no remaining balance on 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 disconnection 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 that manages 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. Utilities Director
3. Water Advisory Board
4. Board of Commissioners

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 (C) 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".

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- (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: _____

Approved and Adopted this 2nd day of August, 2010

Signature: _____
 P. Edwin Russ, Chairman
 Columbus County Board of Commissioners

Attest By: _____
 June B. Hall
 Clerk to the Board

“Attachment A”

Water Rate Schedule

| | | |
|-------------------------------|--------------------------------|---------|
| <u>District I</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District II</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District III</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District IV</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| <u>District V</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |
| | Prison | |
| | Every 1,000 Gallons | \$ 6.00 |
| <u>Guideway School</u> | 1st 2,000 Gallons | \$25.00 |
| | Every 1,000 Gallons Thereafter | \$ 4.00 |

*******THIS WATER FEE SCHEDULE IS CURRENT AS OF JULY 2010. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY*******

“Attachment B”

| <u>Application Fee</u> | <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 \$ 25.00

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 (C) 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.)

Subsection (C) Set out Twice - The second version of subsection (C) set The first Version of subsection © set out above is effective January 1, 1995. Above is Effective until January 1, 1995. Editor's Note - Sessions Laws 1993.

OTHER:

FINANCIAL STATUS of WATER DISTRICT V:

Commissioner Gore: asked William S. Clark, County Manager, what the financial status of Water District V was.

William S. Clark: deferred the question to Bobbie Faircloth, Finance Director.

Bobbie Faircloth: we are almost making enough to cover the Operating Costs, Maintenance and Debt Service, after correcting an error in billing.

Commissioner Gore: what happened from what we were originally told?

Bobbie Faircloth: we are not collecting the revenue that was originally estimated.

Commissioner Gore: we were informed that all the customers in Water District V besides the State Prison would be above and beyond all the costs involved, and would be basically gravy money. I need to know what happened between that time and the present time. I need to know the revenue that is being generated from the State Prison and from the other customers, and the costs that are

involved.

William S. Clark: we will bring you a financial statement that will reflect these figures.

ADJOURNMENT:

At 8:21 P.M., Vice Chairman Byrd made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously passed.

APPROVED:

JUNE B. HALL, Clerk to Board

P. EDWIN RUSS, Chairman