

**RULES AND REGULATIONS OF
SILVER CREEK WATER CORPORATION**

APPROVED BY
CONFERENCE MINUTES
30-Day Filing No. 50391
February 3, 2021
INDIANA UTILITY REGULATORY COMMISSION

I. SERVICE APPLICATION.

- a. The Utility shall maintain compliance with 170 Indiana Administrative Code (IAC) Article 6, under the jurisdiction of the Indiana Utility Regulatory Commission (IURC), and sanitary regulations of the Indiana Department of Environmental Management (IDEM).
- b. Each single-family residence and/or each individual living unit shall be metered separately. All others must be approved by the Utility as to number, size and location of meter(s) required. Any variations from this rule must be approved by the Utility.
- c. Violation of any of the provisions of these rules, By-Laws or any other regulations of the Utility may require the removal of the meter and/or discontinuance of service. When the meter is thereafter installed, the member shall first pay to the Utility the prevailing reinstallation charge.
- d. The individual in whose name the membership is prepared, shall be responsible for the payment of bills incurred in connection with this service rendered.

II. CHARGES FOR SERVICE.

- a. Rates and charges for all services shall be in accordance with the rates and charges approved and on file with the Indiana Utility Regulatory Commission (IURC).
- b. The flat minimum rate, as set up in the water rate schedule, shall be payable irrespective of seasonal use.
- c. In addition to the collection of regular rates, the Utility may collect from the member a proportionate share of any privilege, sales or use tax or impositions based upon gross revenue received by the Utility.
- d. If a person applies for membership and has debt from a previous membership, they are required to pay the debt in full as well as the prevailing membership fee.

III. SILVER CREEK WATER'S LIABILITY.

- a. The Utility is not responsible of inspecting member's premises, piping or apparatus and will not be responsible therefor.
- b. The Utility shall refuse service unless member's lines or piping are installed in such a manner as to prevent cross connections or back-flows.
- c. The Utility shall not be liable for damage of any kind whatsoever resulting from water on the member's premises, unless such damage results directly from negligence on the part of the Utility. The Utility shall not be responsible for any damage done or resulting from any defects in piping, fixtures, or appliances on the member's premises. The Utility shall not be responsible for negligence of third persons or forces beyond the control of the Utility resulting in any interruption of service.

IV. MEMBER'S RESPONSIBILITY

- a. Piping on the premises of the member must be so installed that the connections are conveniently located with respect to the Utility's lines and mains.
- b. If the Utility insists additional meters are required, each meter will be a separate and individual account.
- c. The member's meter(s) shall be unobstructed and always accessible.
- d. The member shall furnish and maintain a private cutoff valve on the member's service line. The Utility is to provide a valve on the Utility side of the meter.
- e. The member's piping and apparatus shall be installed and maintained by the member, at the member's expense in a safe and efficient manner and in accordance with Utility's rules and regulations and in full compliance with sanitary regulations of the Indiana Department of Environmental Management (IDEM).

- f. The member shall guarantee proper protection for the Utility's property placed on the member's premises and shall permit access to it only by authorized representatives.
- g. In the event that any loss or damage to the property of the Utility, or any accident or injury to persons or property is caused by results from the negligence or wrongful act of the member, their agent or employees, the cost of the necessary repairs or replacements shall be paid for by the member.
- h. The amount of such loss or damage of the cost of repairs shall be added to the member's bill and if not paid, service may be discontinued by the Utility.
- i. Members shall not sell water to any other person or permit any other person to use said water, unless approved by the Utility. Water shall not be used for irrigation, fire protection, or other purposes, except when water is available in sufficient quantity without interfering with the regular domestic consumption, and then the water may be used for any other purpose. Disregard for this rule shall be sufficient cause for refusal or discontinuance of service.
- j. Water Pressure: The Utility shall not be responsible for damages to real or personal property as a result of water pressure. If the member's water pressure exceeds 60 psi, it is recommended that the member install a pressure regulator or pressure-reducing valve, at members expense, at the entry to the water system on the member's service line.

V. SUSPENSION OF SERVICE.

- A. When services are discontinued and all bills paid, memberships will be purchased by the Utility for the amount of the membership previously paid, to said member, heirs, or legal representative(s).
- B. Upon discontinuance of service for non-payment of bills, the amount of the membership previously paid will be applied by the Utility toward settlement of the account. Any balance will be refunded to the member, but if the membership is not sufficient to cover the bill, the company may proceed to collect the balance in the usual way provided by law for the collection of debts.
- C. Service discontinued for non-payment of bills will be restored only after all delinquent bills and applicable charges are paid in full.

VI. MEMBER BILLING COMPLAINTS

- A. If the member believes their bill is in error, they shall present their claim, in person or in writing, to the Utility, before the bill becomes delinquent. The member must pay such bill under protest and said payment shall not prejudice their claim.
- B. The Utility will make special meter readings at the request of the member for a fee at the prevailing rate, provided, however, that if such special reading discloses that the meter was over read, no charge will be made.
- C. The Utility shall make a test of the accuracy of a meter upon request by a member. A second test of the member's meter may be requested after twelve (12) months. The customer may be required to bear the full cost of any subsequent test of his meter if requested at less than thirty-six (36) months after the preceding test.

VII. ABRIDGEMENT OR MODIFICATION OF RULES.

- A. No promise, agreement, or representation of any employee of the Utility shall be binding upon the Utility, except as it has been agreed upon in writing, signed and accepted by the acknowledged officers of the Utility.
- B. No modification of rates or any of the rules and regulations shall be made by any agent of the Utility, except the Board of Directors.

CERTIFICATE

STATE OF INDIANA)

SS:

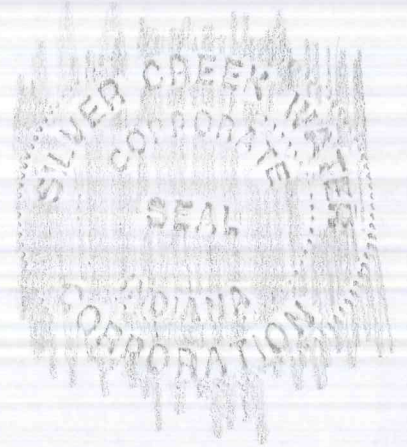
COUNTY OF CLARK)

I, Patricia Byrd, Secretary of the Utility, a not-for-profit corporation organized and existing under the laws of the State of Indiana, hereby certify that the attached and foregoing Rules and Regulations, Approved by the Indiana Utility Regulatory Commission on February 3, 2021, are a true and correct copy, of said Rules and Regulations, adopted by the Utility Board on March 1, 2021.

Patricia Byrd

Patricia Byrd,
Secretary

(SEAL)



BY-LAWS OF SILVER CREEK WATER CORPORATION

ARTICLE 1

- Section 1. NAME. The name of this utility shall be Silver Creek Water Corporation (hereinafter called Utility).
- Section 2. SEAL. This Utility shall possess a seal which shall have inscribed the name of the Utility. The Secretary shall have custody of the seal and shall cause it or a facsimile thereof to be impressed or affixed or reproduced or otherwise.
- Section 3. FISCAL YEAR. The fiscal year of this Utility shall be the same as the calendar year.
- Section 4. A person or entity who becomes a Member shall hereinafter be referred to as Member.
- Section 5. The Utility shall maintain compliance with 170 Indiana Administrative Code (IAC) Article 6, under the jurisdiction of the Indiana Utility Regulatory Commission (IURC), and sanitary regulations of the Indiana Department of Environmental Management (IDEM).

ARTICLE II

- Section 1. MEMBERSHIP. Any person or business having reasonable accessibility to the source of, and who needs water supplied to their place of occupancy or property must be a Member of the Utility, by obtaining a membership number from the Utility. Persons who receive the approval of the Utility may be admitted to membership upon subscribing for a membership number, and by signing such agreements for the purchase of water as may be provided and required by the Utility. Membership can be denied if the capacity of the Utility's water system is exhausted by the existing Members. The current prevailing membership fee shall be paid per membership, upon application for membership in the Utility.
- Section 2. A Member ceases to be eligible to hold a membership as provided in Article 2, Section 1, if they willfully fail to comply with these By-Laws and other requirements, or willfully obstructs the purposes and proper activities of the Utility. The Utility may elect to purchase a membership and terminate a membership by tendering Members heirs or legal representatives the amount of the membership previously paid, less any indebtedness then due from them to the Utility. Any Member whose membership is so terminated for cause other than that of ceasing to be eligible may appeal the action of the Utility to the Indiana Utility Regulatory Commission (IURC), Consumer Affairs Division.
- Section 3. The capital of the Utility shall be represented by memberships.
- Section 4. A membership number shall be issued to each holder of full paid membership and shall be numbered consecutively in accordance with the order of issue. No number may be issued more than once.
- Section 5. All approved name transfers of memberships shall be made upon the books of the Utility, and only when the Member is free from indebtedness to the Utility. No transfers from one location to another location will be made.

ARTICLE III

- Section 1. The annual meeting of the Members shall be held at the office of the Utility at 6:30 P.M., on the first Monday of March each year pursuant to written notice, or at such place, date and time as designated by the Board of Directors.
- Section 2. Special meeting of the Members may be called by the Board of Directors and such meeting must be called whenever a petition requesting such meeting is signed by at least ten (10%) percent of the Members and presented to the Secretary of the Board of Directors. The purpose of every special meeting shall be stated in the notice thereof. No other business shall be transacted thereof except such as specified in the notice. Such notice shall be mailed to each Member of record, directed to the address shown on the books of the Utility at least ten (10) days prior to the meeting, and such notice shall state the nature, time, place and purpose of the meeting but no failure or irregularity of notice of any special meeting, regularly held, shall affect any proceedings taken thereof.
- Section 3. The Members present at any annual meeting of the Members shall constitute a quorum at any meeting for the transaction of business. No Member shall be entitled to more than one (1) vote, and no voting by proxy shall be allowed.

Section 4. The order of business at the annual meeting shall be:

- (a) Call to order and proof of quorum.
- (b) Proof of notice of meeting.
- (c) Reading of any unapproved minutes.
- (d) Reports of officers and committees.
- (e) Election of Directors.
- (f) Unfinished Business.
- (g) New Business.
- (h) Adjournment.

ARTICLE IV

Section 1. The Board of Directors of the Utility shall consist of seven (7) persons, all of who shall be Members of this Utility. At each annual meeting the Members shall elect directors for who's term has expired, for a term of three (3) years. All directors shall serve until their successors are elected and have been qualified. The President of the board shall appoint, no later than the first Monday in January of each year, a nominating committee comprised of two (2) board Members, whose term of office will not expire during the year of their appointment, and one (1) Member from the membership at large. This nominating committee shall present to the Board of Directors, no later than the 25th day of January of each year, a slate of nominees who will seek a position as a Director at the election to be held on the first Monday of March of each year. The President of the board shall not be a Member of this committee. Further, any Member of the Utility may submit their name in writing to the Secretary of the Board mailed to the office of the Utility, early enough so that it will be in the office of the Utility no later than the 25th day of January of each year. There will be no nominations from the floor at the annual meeting. Any Member who follows the above shall have his name placed on the ballot as seeking a position on the Board of Directors. All names of Members received as outlined above, and the names of Members selected by the nominating committee, shall be posted in a conspicuous place in the office of the Utility not less than thirty (30) days prior to the election to be held at the annual meeting Utility. Each person so nominated shall hold a membership in their name on the records of the Utility.

Section 2. The Board of Directors shall meet within ten (10) days after their election and shall elect by ballot a president, vice-president, secretary, and treasurer from their number, each of whom shall hold office until the next annual meeting and until election and qualification of their successor unless sooner removed by death, resignation, or for cause.

Section 3. Special meeting of the Board of Directors may be called by the President and held at any place stated in the notice thereof, upon giving ten (10) days notice, orally or in writing, without the necessity of stating the purpose of the meeting. Notice of any special meeting may be waived by the Members of the board, and the presence of any director at any such meeting shall constitute a waiver of notice thereof.

Section 4. If the office of any director or officer becomes vacant by reason of death, resignation, retirement, disqualification or otherwise, except by removal from office, the majority of the remaining directors shall choose a successor who shall hold office for the unexpired term of the person the director replaces.

Section 5. The Officers and Directors shall receive compensation in an amount as approved by the membership at the annual meeting.

Section 6. Officers and directors may be removed from office in the following manner: any Member, officer, or director may present charges against a director or officer by filing them in writing with the Secretary of the Utility. The charges must be accompanied by a petition signed by ten (10%) percent of the membership of the Utility. Such removal shall be voted

on at the next regular or special meeting of the Members and shall be effective if approved by a vote of majority of the Members present. The director or officer against whom such charges have been presented shall be informed in writing of such charges at least five (5) days prior to the meeting and shall have the opportunity to be heard in person or by council and present witnesses; and the person or persons presenting such charges against him shall have the same opportunity. If the removal of a director or officer is approved, such action shall also vacate any other office held by the removed director or officer in the Utility. A vacancy on the board thus created shall immediately be filled by a vote of a majority of the Members present and voting. A vacancy in any office then created shall be filled by the Directors from among their number so constituted after the vacancy on the board has been filled.

ARTICLE V

Section 1. The Board of Directors, subject to restriction of law, the Articles of Incorporation, or these By-Laws shall exercise all the powers of the Utility, and without prejudice to or limitation upon their general powers, it is hereby expressly provided that the Board of Directors shall have, and are hereby given, full power and authority upon approval of the Members of the board by a majority vote at regular or special meeting, in respect to the matters hereinafter set forth:

- (a) To pass upon the qualifications of Members and cause appropriate memberships to be issued.
- (b) To select and appoint all officers, agents, and managers; fix their compensation and pay for services and prescribe their duties consistent with these By-Laws.
- (c) To borrow from any source, money, goods, or services to make and issue notes and other negotiable and transferable instruments and to do every act necessary to effectuate the same.
- (d) To prescribe, adopt, and amend, from time to time, such equitable uniform rules and regulations as in their discretion, may be deemed essential or convenient for the conducting of business and affairs of the Utility and the guidance and control of its officers and employees, and prescribe adequate penalties for breach thereof.
- (e) To order an annual audit of the books and accounts by a competent auditor or accountant. The report prepared by such person shall be submitted to the Members at the annual meeting.
- (f) To fix charges to be paid, with IURC approval, the time of payment, and manner of collection by each Member for services rendered to the Member.
- (g) To require adequate bonds, the cost thereof to be paid by the Utility, by all officers, agents, and employees charged with responsibility for custody of any kind of funds of the Utility.
- (h) To select the bank or banks to act as depositories of the funds provided such funds are covered by insurance. To determine the manner in receiving, depositing and disbursing of funds, in the form of checks and the person or persons by whom the same shall be signed with power to make changes thereof at will.
- (i) To levy assessments against the memberships of the Utility and to enforce the collection of such as assessments in the manner provided for enforcement of collection charges in Article VII, Section 4, hereto, by the forfeiture of delinquent Members failing to pay such assessments within the time prescribed for payment, provided that prior to forfeiture the board must give the Member at least thirty (30) days written notice to the last address of the Member on the books of the Utility of its intention to forfeit the certificate if the assessment is not paid by specified date.
- (j) To authorize the President to enter into negotiations for the sale of part or all of the assets of the Utility, or for the acquisition of assets from another utility to further the purposes contained in the By-Laws. The Board of Directors shall have the authority to vote on said acquisitions of assets and disburse proceeds to the Member, employees and Board as negotiated.

ARTICLE VI

Section 1. **DUTIES OF THE PRESIDENT.** The President shall preside at all meetings of the Board of Directors; shall call special meetings of the board; shall perform such other duties as may be presented in these By-Laws or assigned to the president by the Board of Directors; and shall sign papers as may be authorized or directed by the Board of Directors.

- Section 2. DUTIES OF THE VICE-PRESIDENT. The Vice-President shall act as aide to the President and shall perform the duties of the President in the absence or inability of that officer to serve.
- Section 3. DUTIES OF THE SECRETARY. The Secretary shall record the minutes of all meetings of the Utility and the Board of Directors. The Secretary shall sign all papers pertaining to the Utility as may be authorized or directed to do so by the Board of Directors. The Secretary shall serve all notices required by law and by these By-Laws and shall make a full report of all matters pertaining to their office at the annual meeting. The Secretary shall keep the corporate seal and memberships, records of the corporation, issue and affix said seal to all papers requiring same. The Secretary shall keep proper membership records, showing the name and date of issuance. The Secretary will provide to a successor an accurate compilation of minutes and any other books or property belonging to the Utility.
- Section 4. DUTIES OF THE TREASURER. The Treasurer shall oversee the handling of all monies of the Utility; and shall keep an accurate record of receipts and expenditures as authorized by the Utility. The Treasurer shall present a financial statement at every meeting of the Board of Directors, and at other times when requested by the board and shall make a full report at the annual meeting. The Utility shall furnish a bond in an amount designated by the Board of Directors.
- Section 5. DUTIES OF THE DIRECTORS. Directors shall perform the duties prescribed in the parliamentary authority in addition to those outlined in these By-Laws and those assigned from time to time. The directors shall deliver to their successors all official material, records and property within ten (10) days following the meeting at which they are elected and qualified.

ARTICLE VII

- Section 1. The Utility shall install, maintain and operate a main distribution system from the source of water supply and a service line to the meter of each Member. Members meter(s), size and location will be at a place chosen by the Utility.
- Section 2. Each Member shall be entitled to purchase such water for domestic purposes as the Member may desire, subject to the provisions of 170 Indiana Administrative Code (IAC) Article 6, under the jurisdiction of the Indiana Utility Regulatory Commission (IURC).

ARTICLE VIII

- Section 1. Any net income; should there be any at the end of the fiscal year, shall be set aside for maintaining and upgrading the Utility as the Board of Directors sees fit.

ARTICLE IX

- Section 1. Robert's Rules of Order revised may guide the utility meetings, in all cases to which they are applicable, and in which they are not inconsistent with the Articles of Incorporation, By-Laws, and Rules and Regulations of this Utility.

ARTICLE X

- Section 1. Amendments of these By-Laws may be adopted by a majority vote of the Members present at any special or regular meeting of the Utility if the Members have been given at least ten (10) days notice in writing of said meeting. Copies of the proposed amendment(s) will be available at the office of the Utility, or online at www.silvercreekwater.org.

Revised at the 39th Annual Meeting on March 3, 2003. Approved at the 40th Annual Meeting on March 1, 2004.
Revised and approved at the 57th Annual Meeting on March 1, 2021.

CERTIFICATE

STATE OF INDIANA

COUNTY OF CLARK

I, Patricia Byrd, Secretary of the Utility, a not-for-profit corporation organized and existing under the laws of the State of Indiana, hereby certify that the attached and foregoing By Laws of Silver Creek Water Corporation are a true and correct copy of said By Laws, adopted by the Utility Board on March 1, 2021.

(SEAL)

Patricia Byrd
Patricia Byrd, Secretary

