

BY – LAWS
ROTE MUTUAL WATER COMPANY

ARTICLE I

Section 1. Place of Meeting. All meetings of the members of the association shall be held at such place at the Board of Trustees or the members may from time to time determine.

Section 2. Annual Meeting. The annual meeting of the members of the association shall be held on the Thursday night of the third week of March of each year, if not a legal holiday, and if a legal holiday then on the next regular day following at 7:30 o'clock in the evening, when they shall elect by ballot a Board of Trustees and transact such other business as may be brought before the meeting.

To read the Tuesday of the fourth (4th) week of January at 7:00pm. – 9/15/92

Annual Meeting date changed to occur at the regularly scheduled meeting date in February at 7:00PM per Annual Board meeting taking place on January 25, 2017 – 01/25/2017

Section 3. Special Meetings.

(A) Special meetings of the members of the association may be called at any time by the President, or the Board of Trustees, or by twenty five percent (25%) of the members of the association entitled to vote. At any time, upon written request of any person or body of persons entitled to call a special meeting, it shall be the duty of the Secretary/Treasurer to call a special meeting of the members to be held at such time as the Secretary/Treasurer may fix, not less than three (3) days after the receipt of the request. If the Secretary/Treasurer shall neglect or refuse to issue such a call, the person making the request or the Board of Trustees may do so.

(B) Business transacted at all special meetings shall be confined to subjects stated in the call.

Delete above Item B – 1/23/02

Section 4. Adjournment. Adjournment or adjournments of any annual or special meeting may be taken, but any meeting at which Trustees are to be elected shall be adjourned only from day to day until such Trustees have been elected.

Section 5. Notice of Meetings. Written notice of every meeting of the members of the association shall be posted in at least three (3) conspicuous places in the community, or notice in writing thereof may be given to each member of the association. The posting of said notice or the giving of the personal notice shall be done at least ten (10) days prior to the said meeting. When a meeting is adjourned it shall not be necessary to give any notice of the adjourned meeting or of the business to be transacted there at, other than by announcement at the meeting at which such adjournment is taken.

Strike the word “every” in first line of above section. – 1/23/02

Section 6. Quorum. A quorum is hereby defined to be a majority of the members or subscribers present who are entitled to vote.

Section 7. Voting. Each member or subscriber shall be entitled to one vote, and if any one individual pays or had paid for more than one subscription, he shall be entitled to as many votes as he has paid subscriptions.

Section 8. Election of Trustees. The candidates receiving the highest number of votes up to the number of Trustees to be elected shall be elected. A Trustee so elected, unless removed for cause, shall serve for the term for which he was elected, or until his successor has been duly elected and qualified.

Section 9. Judges of Election. The President may, prior to election of Trustees, appoint one or more judges of election to act at such meeting on any adjournment thereof for the purpose of preparing, issuing and counting the ballots and making report thereof to the members present at the meeting.

**BY – LAWS
ROTE MUTUAL WATER COMPANY**

ARTICLE II TRUSTEES

Section 1. Qualification and Number. The business of the association shall be managed by its officers – eight (8) in number, consisting of the President, Secretary/Treasurer, and six (6) additional members. The additional six (6) members shall be elected by the members at the annual meeting of the members and subscribers, and each Trustee shall be elected to serve for a term of three (3) years and until his successor shall have been elected and qualified. The first Trustee however, shall be elected as follows: Two (2) for one (1) year; Two (2) for two (2) years; and Two (2) for three (3) years, so that Two (2) Trustees must be elected each year thereafter for the three (3) year terms. Trustees must be members or subscribers.

Section 2. Meetings. The Trustees shall meet quarterly on the third Thursday of March, June, September and December of each year at 7:30 o'clock P.M., except in the month of March when the annual meeting of the members takes place, and in that month the meeting of the Trustees shall immediately follow the annual meeting of the members. Special meetings of the Trustees may be called by the President, at his discretion, or by the Secretary/Treasurer upon the request of not less than three (3) Trustees. All meetings of the Trustees shall be held at such place as the Board of Trustees determines. All meetings of the Trustees shall be open to the members and subscribers.

To read meet monthly at the discretion of the Trustees at 7:00pm, except in the month of January. – 9/15/92

Section 3. Quorum. A majority of the Trustees present shall constitute a quorum for the transaction of business, and the acts of a majority of the Trustees present at a meeting shall be the acts of the Board of Trustees.

Section 4. Removal of Trustee. The Board of Trustees may declare vacant the office of a Trustee if any Trustee shall fail to attend Two (2) successive quarterly meetings, or a member of the said Board of Trustees shall be declared to be unsound mind by any order of court, or conviction of a felony, or for any proper cause.

To read failure to attend two (2) successive monthly meetings and will be notified of replacement if not at the third (3rd) meeting. – 9/15/92

Add “at the discretion of the Board of Trustees” – 1/23/02

Section 5. Vacancies. Vacancies of the Board of Trustees shall be appointed by a majority of the remaining members of the Board of Trustees, and each person so elected shall be a Trustee until his successor is elected by the members, who may make such election at the next annual meeting of the members or at any special meeting duly called for that purpose and held prior thereto.

Section 6. Order of Business. The order of business at all meetings of the Board of Trustees shall be substantially as follows:

- (A) Roll call
- (B) Reading and approval of minutes of the preceding meeting of Trustees
- (C) Reports of the Officers
- (D) Unfinished Business
- (E) New Business

Replace with current agenda:

- Board members present
- Reading of the minutes
- Treasurer's report
- Bills to be paid
- President's report
- Operator's report
- Trustee's report
- Old business

BY – LAWS
ROTE MUTUAL WATER COMPANY

New business
Tap owner comment period – 1/23/02

Section 7. Powers. In addition to the powers and authorities by these by-laws expressly conferred upon them, the Board of Trustees may:

- (A) Enter into contracts for and behalf of the association.
- (B) Make rules and regulations from time to time not inconsistent with these by-laws for the management of the association's business and affairs.
- (C) To purchase or otherwise acquire for the association any property, rights or privileges which the association is authorized to acquire, at such price and on such terms and conditions, and for such consideration as they shall from time to time see fit. Any project that requires the spending of more than \$10,000.00 needs a special meeting called so the members can vote on whatever is to be done.

To read any project that requires the spending in excess of the annual income amount shall require a special meeting so the members can vote on whatever is to be done. – 9/15/92

Change amount to \$15,000 – 1/23/02

- (D) In their discretion to pay for any property or rights acquired by the association.
- (E) Borrow money for the association and to create, make and issue mortgages, bonds, deeds of trust, notes, etc. and to do every other act and thing necessary to effectuate the same.
- (F) Determine who shall be authorized on the association's behalf to sign notes, checks, releases, contracts and documents in cases not covered by these by-laws.
- (G) Fix charges for tap-ons, water rentals and services.
- (H) Employ such aid, help and assistance as may be necessary to carry out the purposes of the association and to pay the same.
- (I) Determine any and all needs to the water supply with relation to the adequacy thereof and the extension of service on the lines, etc.
- (J) To read, a Chairman of the Board shall be elected by the Trustees at the re-organizational meeting following the annual meeting for the purpose of conducting meetings in the absence of the President and to sign documents in the absence of the President or Treasurer. – 9/15/92**

ARTICLE III OFFICERS

Section 1. Election. At the annual meeting of the members and subscribers of the association there shall be elected a President, a Secretary/Treasurer to serve in said capacity until the next annual meeting of members and subscribers, or until their successors have been elected and qualified. No one may serve in more than one (1) office at the same time.

Delete the words Secretary/Treasurer. – 9/15/02

The term of the President will be 3 years. – 1/23/02

Section 2. Powers and Duties.

- (A) President: He/She shall:
 - 1. Have the ordinary duties of an executive officer with the general supervision over and direction of the affairs of the association.
 - 2. Shall preside at all meetings of the Board of Trustees and member.
 - 3. Act as temporary chairman at and call to order all meetings of the members.
 - 4. See that orders and resolutions of the Board of Trustees are carried into effect.
 - 5. Be ex-officio a member of all committees.
 - 6. Do and perform such other duties as from time to time may be assigned to him by the Board of Trustees.
- (B) Secretary/Treasurer: He/She shall: (combined office in 1967)
 - 1. Attend all sessions of the Board of Trustees and all meetings of the members and subscribers, and act as clerk thereof.

BY – LAWS
ROTE MUTUAL WATER COMPANY

2. Record all the minutes of the transactions of the association in a book to be kept for that purpose.
3. Give or cause to be given notice of all meetings of the members and subscribers and of the Board of Trustees.
4. Perform such other duties as may be prescribed by the Board of Trustees.
5. Have charge of and keep and maintain all of the books, records and papers as the Board of Trustees may direct, all of which books, records and papers shall at all reasonable time be open for examination of any Trustee or member of the association upon request.
6. In general, perform all duties incidental to the office of Secretary/Treasurer, and have such other powers and perform such other duties as may be assigned to him/her by the Board of Trustees.
7. In the absence of the President, the secretary/Treasurer shall preside in his stead.

Delete above item 7 – 9/15/92

In the absence of the President, the Chairman shall preside in his stead. – 1/23/02

8. Have care and custody of the association's funds and securities, and deposit the same in the name of the association in such bank or banks as the Trustees may elect.
9. Keep full and accurate accounts of receipts and disbursements in books belonging to the association.
10. Disburse the funds of the association as may be ordered by the Trustees, taking proper vouchers for such disbursements.
11. Render to the President and Trustees, at regular meeting of Trustees, or whenever they may require it, an account of all his/her transactions as Secretary/Treasurer and of the financial condition of the association.
12. When necessary or proper, unless otherwise ordered by the Board of trustees, endorse on behalf of the association checks, notes and other obligations, and shall deposit the same to the credit of the association in such bank as the Board of Trustees may designate, and sign all receipts and vouchers for payment made to the association.
13. At all reasonable times exhibit his/her books and accounts to any Trustee of the association.
14. Have such other powers and perform such other duties as may be assigned to him/her from time to time by the Board of Trustees.

Section 3. Vacancies. If the office of any officer becomes vacant for any reason, the Board of Trustees may choose a successor who shall hold office for the unexpired term in respect of which such vacancy occurred or until a successor has been chosen at a special meeting of the members and subscribers duly called for that purpose.

Section 4. Duties of Officers and Trustees. It shall be the duty of the Officers and Trustees to exercise such supervision over the affairs of the Association as will best provide for fire protection, prevention of water waste, and to keep the system in good repair at any and all times. It shall be the further duty of the said Officers and Trustees to fix the assessment at a uniform rate for all subscribers and to make proper rules and regulations governing the conduct of the members and subscribers, and providing appropriate remedies for abuses of the system by any member or subscriber. It shall be the further duty of the Officers and Trustees to prevent by law, if necessary, and to prosecute any persons who shall attempt to tap the association's line without authority and without having paid the regular assessment, or any member or subscriber who shall permit an unauthorized person to tap on to the extension of the member or subscriber.

Right to hire and fire all paid employees. – 1/23/02

BY – LAWS
ROTE MUTUAL WATER COMPANY

ARTICLE IV MEMBERS

- (A) Members and subscribers of the association for each tap-on shall pay to the association the prevailing fee set by the Board of Trustees.
- (B) 1. All extensions made to company lines shall be paid for by the member or subscriber requesting the extension.
2. The member or subscriber requesting an extension shall pay to the Water Company the prevailing fee before a tap-on.
3. All extensions shall be installed under the supervision of the officers of the Water Company and to their specifications.
4. All extensions shall be considered the property of the Water Company. The Water Company will maintain all extensions in the same manner as any trunk line.
- (C) 1. Each member or subscriber tapping on to an extension shall be assessed the prevailing tap-on fee.
2. Seventy-five percent (75%) of each tap-on fee after the original tap-on as provided for in section B paragraph 2 of this article, shall be paid to the member or subscriber who originally paid for the extension until he has been reimbursed for his costs in making the extension.

Delete above Item 2. – 9/15/92

- (D) 1. Each unit whether a family unit or a commercial unit shall be assessed the prevailing fee set by the Board of Trustees for a tap-on. No additional family or business unit shall be served through the same tap. **Replace with the following. Each tap purchased will supply water to the property it was installed for including any accessory building (garage, shed, etc.). The accessory building would be an extension of the original tap as long as the water flows through the original tap and does not cross the property line. – 1/23/02**
2. All taps shall be made with pipe no larger than three-fourths (3/4) inch. If two (2) family units or two (2) commercial units are located in one (1) building under one roof, both such units may be served through one tap. There shall be an additional tap fee for every two (2) units or fractions thereof where the units are housed in the same building. Each unit shall be subject to an assessment in an amount to be established by the Board of Trustees. Payment of both rental assessments shall be the responsibility of the property owner, or the owner of the original tap. Family units or commercial units not under the same roof shall pay a tap-on fee for each unit (**Delete the last sentence reading, “Family units or commercial units not under the same roof shall pay a tap-on fee for each unit). 1/23/02** All members having livestock, consisting of three (3) or more, is subject to the unit prices.
Delete the last sentence reading, “All members having livestock, consisting of three or more is subject to the unit prices.” 9/15/92
3. The owner of any tap is responsible to the Water Company for all assessments against his tap, resulting from his own, as well as multiples described immediately above. In the same context, the owner of a tap is held liable for payment on charges for water rent generated by his tenant. Any owner wishing to terminate services shall notify the company thirty days (30) prior to the date of termination. Failure to notify the Secretary/Treasurer invites continued charges.
4. A tap-on certificate will be issued by the Water Company. This certificate will identify the owner of a tap-on, together with the location and assigned number.
NOTE: Although the fee for a tap-on is not refundable after work has started, the certificate establishes title to the tap-on and has continued value accordingly. This certificate will be issued by the Secretary/Treasurer and any change in new ownership will require re-registry and issuance of a new certificate. This will give protection to both the Company and the new owner of the certificate. It will provide the basic proof of membership and thereby facilitate either assessing company members or contrawise, sharing any assets of dissolution of the Water Company.
5. A tap-on is defined to be a ¾ inch saddle fixture together with a shut-off valve to be installed in the Water Company’s line and right-of-way, to provide water to said

**BY – LAWS
ROTE MUTUAL WATER COMPANY**

tap-on owner's residence or commercial establishments. Said "tap-on" to be installed under Water Company supervision and at the expense of the Water Company. From the tap-on into the residence is at the expense of the property owner. **Replace last sentence with: From the property line or the start of your right away into the residence is at the expense of the property owner. – 1/23/02**

6. No consumer shall be allowed to fill or supply water to a swimming pool without permission from the majority of the Board of Officers.

Should read "No consumer shall be allowed to fill or supply water to a swimming pool without contacting someone from the Water Company first." – 1/23/02

7. At such times as the water supply becomes insufficient to provide for domestic use, all other water uses shall be terminated. Anyone using water for other than domestic use must desist when notified, or loose his water privileges.

8. It is illegal to tamper in any way with the main lines or service lines without the presence of the custodian or an official of the Water Company.

9. It is illegal to allow non-subscriber to obtain his water supply from a subscriber, i.e., to run a hose, pipe, or other methods of conveyance to a well or cistern. Such acts are considered water larceny.

- (E) Any member who shall fail to refuse to cease and desist from wasting water when ordered to do so by the Board of Trustees, or who shall use water for sprinkling lawns, gardens and streets, at the time when the supply thereof is limited and the member has been notified by the Board of Trustees, the service to the said member, at the discretion of the Board of Trustees, be suspended until the condition is corrected by the member.

Add section E-1 to read no plantings of trees or shrubs over Company main water lines. – 9/15/92

Add section E-2 to read all private lines shall be installed to Company specifications and inspected prior to closing of any ditch line and any underground utilities placed in the same ditch line shall not be placed next to or on the same side as the water line. – 9/15/92

ARTICLE V FISCAL YEAR

The fiscal year of the association shall commence on the first day of March and end on the last day of February in each year. **Shall read "The fiscal year of the association shall commence on the first day of January and end the last day of December in each year. – 9/15/92**

ARTICLE VI AMENDMENTS

The by-laws of the association may be altered, amended or repealed by a two-thirds (2/3) vote of the members and subscribers attending the annual meeting of the members and subscribers, or at any special meeting called for that purpose, upon ten (10) days notice thereof.