



Effective May 1, 2018

Pinon Ridge Water Users Association

Operating Rules and Regulations

These rules and regulations are issued in compliance with the bylaws of the association, and are designed to govern the supplying and taking of services rendered by the association. They may be changed by the current or future board(s) of directors as the need arises. Any rule or regulation, present or future, which conflicts with the provision of the bylaws, will be subject to being overridden by the prevailing bylaw.

The process for application for a new membership into the association is provided for in the association bylaws. Upon board approval of the application, the applying member must pay to the association the prevailing tie-in fee and ask for installation of a meter and water service.

Upon acceptance, the association shall record the member in the official roll of membership. Membership is based upon the association's records and transfer of the property then includes the transfer of membership. There is no charge for transferring membership to a new owner.

1. Water Service

- A. Water service shall consist of facilities to provide water for household use at normal operating pressures to all residences within the Pinon Ridge community. Water service is considered available when the association maintains the water supply at normal pressures to the member's property line and water meter.
- B. Water membership and its use is designated to and restricted to an individual lot and cannot be extended to any other lot, adjacent, or not. If the member owns a second lot within Pinon Ridge and requires water service, they must make application to buy a water membership for that additional lot. In no instance, shall a lot line be crossed in order to provide water service to a subsequent lot without a membership for that subsequent lot. By definition, a lot is designated by the original subdivision plat dated December 1994 and recorded in book 214 page 3321, Rio Arriba County, New Mexico, regardless of any subsequent re-subdivision or consolidation of the original lots.

- C. Multiple Memberships owned by a single property owner may be serviced through a single meter, if desired by the owner upon application and Board approval. Multiple fixed monthly service and infrastructure fees will still apply to each lot.

2. Connection to a Private System

There shall be no physical connection between any wells or water sources other than those owned and operated by the association. Representatives of the association shall have the right at any reasonable hour to enter upon a member's property for inspection and enforcement of this provision.

3. Continuity of Service

The association will make all reasonable efforts to supply a continuous and uninterrupted supply of water. The association has the right to purposely interrupt the supply of water to make necessary repairs, run line extensions and hook up new members. All efforts will be made to perform this work at times when members are least affected and prior notification will be issued whenever possible.

4. Metering of Water Service

Water service will be metered to each individual lot except as provided in 1C.

5. Meter Reading

- A. Meters will be read April through October, months that meters are not read – November through March – members will be billed for the system and infrastructure fee only. When meters are read again in April, members will be billed for the April system and infrastructure fee plus actual usage for the December through March period. No water conservation mark-up will be charged during the non-read months. Members who have usage during these months can avoid a high April bill by paying for estimated usage during the months when meters are not being read.
- B. The board shall inform the members of their water usage responsibilities, which includes all water usage after the meter. Problems that may occur that are the member's responsibilities include frozen and broken lines on their property; sprinkler system malfunctions, leaking faucets, and broken appliances. Water problems before the meter are the responsibility of the association. Members, who are absent from their property for long periods, especially during winter months, should turn the water off at the meter.

6. Metering Facilities

Metering facilities shall be installed as part of the tie-in process and are owned by the association and are paid for by the member. This shall consist of a service clamp, meter yoke, meter box, and meter. Metering facilities shall be located at the member's property line. In special cases, this may not be practical. The Vice President of Operations or his designate and the member will jointly agree to the location. Should the location be within the member's property, he/she will grant the association an easement of right-of-way and the right of ingress and egress through the property for the purposes of servicing, removing, metering or reading the meter facilities.

7. Meter Accuracy

Service meters, where errors do not exceed two percent shall be considered as being within the allowable limits of accuracy for billing purposes.

8. Meter Testing

Meter testing required by the member will be performed without cost to the member if the meter is found to be in error by more than two percent. Members will be charged 25.00 for the cost of a test where the test confirmed that the meter is accurate to within two percent.

9. Fees for Water Service

The association will bill each member \$30.00 per month for system and infrastructure charges. Additional billing will be for actual water usage at the rate of \$.004 per gallon (which is equivalent to \$4.00 per one thousand gallons). a **Capital Conservation Fee** will be imposed on members using more than 7,000 gallons per month during the months that meters are read. The usage charge for over 7K will move from \$4.00 to \$10.00 per thousand for the usage above 7K. All association members are subject to the system and infrastructure charges each month when water service is available, regardless of actual water usage. During the winter months, when water meters are not being read, the billing will be for the system and infrastructure charges only. Water usage for those months -- November through March -- will be on the April billing and the Capital Conservation fee upcharge will not be in effect. System and infrastructure charges are due monthly; with no prorate for partial months. Water usage charges are from reading date to reading date for actual usage.

10. Billing dates, delinquent accounts, Liens, and late charges

The treasurer of the association will cause billing statements to be sent to the users by the 10th of each month. The amount billed is due upon receipt. Any payment not received by the 25th of each month is subject to a late fee of \$7.50. Payments made on past due accounts are applied first to most current charges, unpaid assessments and then to the most delinquent payment due Checks returned unpaid by the user's bank are subject to a

\$25.00 returned check fee. Accounts not paid by the next billing date are considered delinquent. The Association through its officers and Directors may use all legal remedies available under New Mexico law to collect this debt. All expenses incurred by the association to collect this debt will be paid by member, including legal fees and court costs. The Association will file a lien against the Members Property when;

- The member's property is listed for sale and the member becomes past due on any payment.
- Any payment becomes 90 days past due.
- Any payment becomes past due and the members balance is greater than 200.00.
- A member asks for an extended payment plan that will allow account to become past due over 90 days.

The Association will file suit for foreclosure on all liens except when an extended payment plan is in effect. Foreclosure of lien returns the membership right back to the association and terminates membership in the association.

Water service may be disconnected after registered notification is made to the user requiring immediate payment of any past due amount. Water service will be re-connected only after all moneys due the association are paid plus a \$100.00 reconnect fee.

A refundable deposit of \$150.00 may be required on reinstated accounts. Deposit refunds will require Board approval.

12. Cost of a PRWUA membership

Authorized charges for a membership are as follows: \$3000.00 membership; \$500.00 assessment for purchase/maintenance of water tank; \$400.00 assessment for support of Capital Improvements; and installation charges. Installation charges are the installation charged by contract vendor, plus the Gross Receipt Tax. As of this date, installation contractor vendor is charging \$550.00 for labor, plus \$37.81 (0 .06875 %) for Gross Receipt Taxes. Total membership cost: \$4,487.81.

13. Cancellation of membership

The Board may cancel Membership for the following reasons; A. making any unauthorized water connections as prohibited in section 2.B. Foreclosure on lien action under section 10.

14 Assessments

Assessments may be approved by the board of directors to pay for extraneous expenses not covered by monthly fees for service. Members must be notified 30 days in advance for assessments less than 250.00. 90 days' notice are required for assessments greater than 250.00. Unpaid assessments are subject to a 7.50 monthly late fee, when over 30 days past due.