

Rural Water District No. 17
LeFlore County, Oklahoma
also known as
LeFlore County Rural Water District Number 17
LeFlore County, Oklahoma

BY LAWS

ARTICLE I

NAME AND PLACE OF BUSINESS

SECTION 1. The name of this entity shall be Rural Water District No. 17, LeFlore County, Oklahoma (hereinafter referred to as the “District”).

SECTION 2. The principal office of this District shall be located in LeFlore County, Oklahoma.

ARTICLE II

CORPORATE POWERS

SECTION 1. The corporate powers of this District shall be vested in the Board of Directors (hereinafter referred to as the “Board”).

ARTICLE III

PURPOSES AND OBJECTIVES

SECTION 1. The purposes and objectives of this District are as follows:

(a) To acquire water and water rights and to build and acquire pipelines and other facilities, and to operate the same for the purpose of furnishing water to serve the needs of owners and occupants of land located within the District and others as authorized by the By Laws.

(b) To borrow money from any Federal or State agency, or from any other source, and to secure said loans by mortgaging or pledging all of the physical assets and revenue and income of the District, including easements and rights-of-way.

(c) To hold such real and personal property as may come into its possession by will, gift, purchase, or otherwise, as authorized by law, and to acquire and dispose of such real and personal property, including rights-of-way and easements, wherever located, and as may be necessary and convenient for the proper conduct and operation of the business of the District.

(d) To establish rates and impose charges for water service furnished to participating members and others.

(e) To enter into contracts for the purposes of accomplishing the purposes of the District with any person or governmental agency.

(f) To cooperate with any person or with any government agency in any undertaking designed to further the purpose of the District.

(g) To do and perform any and all acts necessary or desirable for the accomplishment of the purposes of the District, which may lawfully be done by such District under laws of the State of Oklahoma

ARTICLE IV

MEMBERS

SECTION 1. Water service shall be supplied only to property owners located within the District. Provided, however, that the Board may make water available to the public for purchase at such distribution points as it may establish.

SECTION 2. No property owner within the District shall be eligible to become a member of the District unless he has first completed all applicable documents required and paid fees as set out in the current Schedule of Rates and Charges.

ARTICLE V

RIGHT TO VOTE

SECTION 1. Only participating members shall have the right to vote, and each participating member shall be entitled to a single vote, regardless of the number of meters to which he may have subscribed. There shall be no proxy voting. A participating member may be an individual, firm, partnership, association, or corporation.

Participating members shall be:

- (a) Owners of land or Tenants within the District who have subscribed to one or more meters; Provided payments of charges are current on all member accounts.**

ARTICLE VI

ELECTION OF DIRECTORS

SECTION 1. The Board of this District shall consist of five (5) members, all of whom shall be participating members of the District. The Directors elected at the time of the incorporation of the District shall be elected for staggered terms of one, two, and three years, and shall serve until the expiration of the time for which they were elected as shown by the minutes of the original meeting of the landowners and until their successors are elected and

have qualified. At each annual meeting of members, the participating members shall elect for a term of three (3) years the number of Directors whose terms of office have expired.

SECTION 2. Immediately following the annual meeting of the participating members, the Board shall meet and shall elect a Chairman, Vice-Chairman, Secretary and Treasurer, from among themselves, each of whom shall hold office until the next annual meeting of the participating members and until the election and qualification of his successor unless sooner removed by death, resignation or for cause. The office of Secretary and Treasurer may be held by one person.

SECTION 3. Any vacancy in the Board, other than from the expiration of a term of office, shall be filled by appointment by the remaining members of the Board. The disqualification of a Director as a participating member of the District, shall operate to disqualify him as a Director and to create a vacancy in the office of Director.

SECTION 4. A majority of the Board shall constitute a quorum at any meeting of the Board.

SECTION 5. Any Director of the District may be removed from office for cause by a vote of not less than three-fourths (3/4) of the participating members of the District at any annual or special meeting called for that purpose. The Director shall be informed in writing of the charges preferred against him at least ten (10) days before such meeting, whether regular or special, and at the meeting shall have an opportunity to present witnesses and be heard in person in answer thereto. Officers of the Board may be removed for cause by vote of two-thirds (2/3) of the members of the Board.

ARTICLE VIII

POWERS AND DUTIES OF DIRECTORS

SECTION 1. The Board, subject to the restrictions of law, and these By Laws, shall exercise all of the powers of the District and without prejudice to or limitation upon their general powers, it is hereby expressly provided that the Board shall have, and is hereby given full power and authority in respect to the matters as hereinafter set out:

(a) To select and appoint all agents and employees of the District or remove such agents and employees of the District at will, prescribe such duties and designate such powers as may not be inconsistent with these By Laws, and fix their compensation and pay for faithful services.

(b) To borrow from any source, money, goods, or services and make and issue notices, and other negotiable and transferable instruments, mortgages, deeds of trust and trust agreements, and to do every act and thing necessary to effectuate the same.

(c) To prescribe, adopt and amend, from time to time, such equitable and uniform rules and regulations, as, in their discretion, may be deemed essential or convenient for the conduct of the business and affairs of the District, and the guidance and control of its agents and employees.

(d) To fix charges to be paid by each member for services rendered by the District to him, the time of payment, and manner of collection.

(e) To require all officers, agents, employees, charged with the responsibility for the custody of any funds of the District to give adequate bond, and cost thereof to be paid by the District, and it shall be mandatory upon the directors to so require.

(f) To select one or more banks to act as depositories of the funds of the District and to determine the manner of receiving, depositing and disbursing the funds of the District in the form of checks and/or electronic payments and the person by whom the same shall be signed on behalf of the Chairman with the power to change such bank or person signing such checks and the form thereof at will.

(g) Prepare annually an estimated budget for the coming year, adjust rates, if necessary, to produce sufficient revenue required by such budget, cause an annual audit of the District records and accounts to be made by a licensed municipal public accountant or qualified independent accountant, and make a report on said matters at each annual meeting of participating members.

(h) To require qualification for Director in the following ways:

(1) A written pledge that upon election to the Board of Directors, a board member will attend six (6) hours of workshop training organized by the Oklahoma Water Resources Board in cooperation with the Oklahoma Rural Water Association with the purpose of study and instruction in areas of district financing, law, and the ethics, duties and responsibilities of district board members. The District shall reimburse all reasonable expenses incurred by any board member for attending such training workshop.

(2) In order that each director keep informed of the affairs of the District in accordance with the responsibility, each Director shall attend at least seventy-five percent (75%) of all board meetings within each calendar year. Failure to meet this attendance requirement shall be grounds for removal of a Director.

ARTICLE IX

DUTIES OF OFFICERS

SECTION 1. CHAIRMAN. The Chairman, who shall be a member of the Board, shall preside over all meetings of the District and the Board, call special meetings of the District and the Board, perform all acts and duties usually performed by an executive and presiding officer, and shall sign all such other papers of the District as he may be authorized or directed to sign by the Board, provided the Board may authorize that all checks and/or electronic payment formats must be signed and/or authorized by 2 members of the Board. The Chairman shall perform such other duties as may be prescribed by the Board.

SECTION 2. VICE-CHAIRMAN. In the absence or disability of the Chairman, the Vice-Chairman, who shall be a member of the Board, shall perform the duties of the Chairman.

SECTION 3. SECRETARY. It shall be the duties of the Secretary who shall be a member of the Board, to keep, or cause to be kept, a record of the proceedings of the meetings of the Board and of the District. He shall serve, or cause to be served, all notices required to be served by law or the By Laws of the District; and in case of his absence, inability, refusal or neglect to do so, then such notices may be served by any member of the board directed by the chairman.

SECTION 4. TREASURER. The Treasurer, who shall be a member of the Board shall receive and account for all funds of the District, shall deposit the same in some bank designated by the Board as a depository. At each annual meeting of the District, he shall submit for the information of the participating members a complete statement of his account for the past year and he shall be prescribed by the Board and shall give a good and sufficient bond in such amount as may be fixed by the Board.

ARTICLE XI

BOOKS AND RECORDS

SECTION 1. The books and records of the District, and such papers as may be placed on file by the vote of the District or Directors, shall be subject to inspection pursuant to the Oklahoma Open Records Act.

ARTICLE XII

ANNUAL MEETING OF PARTICIPATING MEMBERS

SECTION 1. The annual meeting of the participating members of the District shall be held at some suitable location within the District designated by the Board.

SECTION 2. Special meetings of participating members may be called any time by the Chairman or upon resolution of the Board, or upon written petition to the Chairman of the Board, signed by 51 percent (51%) of the participating members of the District. The purpose of every special meeting shall be stated in the notice thereof, and no business shall be transacted thereat except such as is specified in the notice.

SECTION 3. Notice of meeting of the participating members of the District shall be given by mail to each participating member of record directed to the address shown upon the books of the District at least ten (10) days prior to the meeting. Such notice shall state the nature, time, place and purpose of the meeting, but no failure or irregularity of a notice of any annual meeting, regularly held, shall affect any proceeding taken thereat.

SECTION 4. The participating members present at any meeting of participating members shall constitute a quorum for the purpose of the transacting of business.

SECTION 5. The order of business at the regular meeting and so far as possible, at all other meetings, shall be:

- (a) Call to order;
- (b) Proof of notice of meeting;
- (c) Reading and approval of minutes of last meeting;
- (d) Report of officers and committees;
- (e) Election of directors;
- (f) Unfinished business;
- (g) New business;
- (h) Adjournment.

SECTION 6. Each participating member, qualified as stated in these By Laws, shall be entitled to vote. No cumulative voting shall be permitted and each participating member of the District shall have but one vote.

ARTICLE XIII

BOARD MEETINGS

SECTION 1. The Board shall meet each year to adopt a budget for the following year, and will also meet annually to elect officers immediately following the time for election of any new director. The Board shall meet as such and other times as may be determined by the Board, such meeting scheduled published with the Clerk of LeFlore County; or upon call by the Chairman or any two (2) members of the Board. Notice of all meetings of the Board called in such format shall be in writing (2) days before the holding of such meeting: Provided, however, that when all of the Directors are present at any meeting, however called, or consent in writing that such meeting may be held, the proceedings thereat shall be valid as though the previous written notice aforesaid had been given.

ARTICLE XV

SEAL

SECTION 1. The District shall have a corporate seal, consisting of a circle having in its circumference and face, the words, Rural Water District #17, LeFlore County, OK”, which shall be in the custody of the Secretary.

ARTICLE XVI

FISCAL YEAR

SECTION 1. The fiscal year of the District shall begin January 1 of each year.

ARTICLE XVII

AMENDMENT

SECTION 1. These By Laws may be repealed or amended by a vote of three-fourths (3/4) of the participating members present at any regular meeting of the District or any special meeting of the District called for that purpose except that the participating members shall not have the power to change the purposes of the District so as to impair its rights and powers under the laws of the State of Oklahoma, or to waive any requirements of bond or other provision for the safety and security of the property and funds of the District or its participating members, or to deprive any participating member or landowner of rights and privileges then existing, or to so amend the By Laws as to affect a fundamental change in policies of the District. Notice of any amendment to be made at any regular or special meeting of the participating members must be given at least ten (10) days before such meeting and must set forth the amendments to be considered.

ARTICLE XVIII

BASIS OF OPERATION

SECTION 1. The District shall at all times be operated on a non-profit basis for the mutual benefit of its participating members.

ARTICLE XIX

BENEFITS AND DUTIES OF MEMBERS

SECTION 1. The District shall install, maintain and operate a main distribution pipeline or lines from the source of water supply, and lines from the main distribution pipeline or lines, to the property line of each participating member of the district which point designated as delivery points, meters to be purchased, installed, owned and maintained by the District shall be placed.

SECTION 2. Each participating member shall be entitled to purchase from the District, pursuant to such agreement as may from time to time be provided and required by the District and the Board, such water service for domestic and other such purposes as a participating member may desire, subject, however, to the provision of these By Laws and such rules and regulations as may be prescribed by the Board. The water delivered to each participating member shall be metered.

SECTION 3. In the event the total water supply shall be insufficient to meet all the needs of the members and users, or in the event there is a shortage of water, the District may prorate the water available among the various members and users on such basis as is deemed equitable by the Board, and may also prescribe a schedule of hours, covering the use of water for garden purposes and require adherence thereto, or prohibit the use of water for garden

purposes if at any time the total water supply shall be insufficient to meet all of the needs of all of the participating members for domestic, livestock, garden, and other purposes such as commercial ventures, and the District must first satisfy all the needs of the participating members for domestic purposes before supplying any water for livestock purposes and must satisfy all the needs of all the participating members for domestic and livestock purposes before supplying water for garden and other purposes such as commercial ventures.

ARTICLE XX

PRINTING

SECTION 1. After adoption, these By Laws shall be reproduced in paper format available from the office at the regularly scheduled Board meetings and available on the District website for each participating member.

AFFIDAVIT

STATE OF OKLAHOMA)

) SS:

COUNTY OF LEFLORE)

The below listed individuals, being first duly sworn, depose and state each for himself/herself, that he/she is a Director of the LeFlore County Rural Water District #17, LeFlore County, Oklahoma, the foregoing By Laws were submitted at a meeting of the Members of said District, duly held on the September ____, 2022. That there were _____ Members present in person and that the vote for the amendment of the By Laws was _____.

Vicki R. Cearnal, Chairman

Brody Werst, Vice-Chairman

Kendle Ortiz, Secretary

Deborah Butler, Treasurer

Kenneth Winkenwerder, At Large

Subscribed and sworn to before me on this _____ day of
_____.

Notary Public, State of Oklahoma

My commission expires: