

**AMENDED
RULES, REGULATIONS, POLICIES
AND PROCEDURES
OF**

**WEST MADISON UTILITY DISTRICT
BOARD OF COMMISSIONERS**

September 6, 2016

AMENDMENTS ADOPTED BY BOARD OF COMMISSIONERS

May 10, 2018
August 14, 2018
December 11, 2018
April 9, 2019
July 9, 2019
June 9, 2020
April 13, 2021
April 12, 2022
July 22, 2025

TABLE OF CONTENTS

Title Page	Page 1
Table of Contents	Page 2-3
Purpose and Scope of Manual	Page 4
New Customers	Page 4
Application Requirements	Page 4
Non-Refundable Activation Fee	Page 5
Connection Fee	Page 5
Availability of Service	Page 5
Waterworks Point of Delivery	Page 5
Separate Meters for Separate Dwellings	Page 5
Resale of Water Prohibited	Page 5
Cross Connections Prohibited	Page 6
Wastewater Point of Delivery	Page 6
Sewer Customers to be Water Customers	Page 6
Separation of Waterworks and Sanitary Sewer Facilities	Page 6
Complaints Regarding Service	Page 6
Right of Access	Page 6
Abatement of Nuisances	Page 7
Interruption of Service	Page 7
Water for Special Uses	Page 7
Relocation of Water Meter or Sewer Services	Page 7
Bad Debts	Page 7
Water Meter Test	Page 7
Tampering with Electric, Gas or Water Meters	Page 8
Development/Subdivision Policy	Page 9
Requirements Before Construction	Page 9
Service Extension Policy	Page 10
Rules and Regulations Governing Multi-Unit Connections	Page 11
Rental Properties	Page 11
Free of Charge Usage of Services	Page 12
Customer's Responsibilities for West Madison Utility District's Property	Page 12
Water/Sewer Rates	Page 13
Nepotism, Employment of Relations and Personal Relationships	Page 14
Customer Billing and Payment	Page 14
Customer Billing/Payment Policy	Page 15
Billing Adjustments Policy	Page 16
Hardship Payment Plans	Page 16
Swimming Pools	Page 16
Proof of Payment	Page 17
Insufficient Funds	Page 17
Discontinuance of Service	Page 17
Acceptable Payment	Page 18
Community Center Policy/Manager Responsibilities	Page 18
Service Area Regulations and Minimum Levels of Service	Page 20
Requirements/Reports/Responsibilities of West Madison Utility District	Page 20
Removal of a Board Member	Page 22
Administration in Policy Absence	Page 22
Board Members: Memberships and Responsibilities	Page 22
Accountability	Page 24
Operating Procedure for Payments/Purchase Orders/Accounting	Page 26
Operator Certification	Page 26
Fixed Assets Management	Page 26
Acquisition of Equipment/Assets	Page 27

Asset Valuation	Page 32
Disposal of Fixed Assets	Page 32
Contracts for Construction	Page 35
Liability and Torts	Page 35
Independent Contractors, Consultants and Service Providers	Page 37
Board Meetings and Minutes	Page 37
Executive Session	Page 38
Requests for Copies of Board Minutes/Documents	Page 39
General Rules and Regulations	Page 39
Review of Existing Policies	Page 40
Attachment A - Schedule of Rates and Charges	Page 41
Attachment B - Cross Connection Control	Page 42
Attachment C - Sample Letters To Be Used for Development/Subdivisions	Page 46

This set of Rules, Regulations, Policies and Procedures of West Madison Utility District supersedes all previous sets of Rules, Regulations and Policies in order to incorporate its policies as set forth through deliberation of its Board of Commissioners to establish Rules, Regulations, Policies and Procedures more specific to, and applicable to, West Madison Utility District.

West Madison Utility District was created by the Madison County Board of Supervisors by Resolution in its October 5, 1970 Board of Supervisors Minutes in accordance with Senate Bill 1520 of the 1966 Extraordinary Session of the Mississippi Legislature. West Madison Utility District is a body politic and a subdivision of Madison County, Mississippi, a political body of the State of Mississippi.

West Madison Utility District is deemed to have the same status as counties and municipalities with respect to payment of sales taxes on purchases made by such districts (Miss. Code Ann. § 19-5-177(l), as amended).

Pursuant to Miss. Code Ann. § 19-5-167, as amended, there shall be five (5) members on the Board of Commissioners appointed by the Madison County Board of Supervisors. Each commissioner shall serve five (5) year staggered terms as outlined in § 19-5-167. The operation, management, abolition or dissolution of West Madison Utility District, and all other matters in connection therewith, shall be vested solely and only in the Board of Commissioners to the specific exclusion of the Board of Supervisors.

PURPOSE AND SCOPE OF MANUAL - This manual of the West Madison Utility District Rules, Regulations, Policies and Procedures is designed to outline the principal operating regulations, policies and procedures of the water and sewer system. The rules and regulations set forth herein are a part of all contracts for receiving waterworks and wastewater services from the water system.

These rules and regulations do not cover every conceivable condition or situation that may arise, but only those of recurring situations where standardized policies and procedures have been established. The rules, regulations, policies and procedures set forth in this manual may be amended from time to time by a majority vote of the West Madison Utility District's Board of Commissioners.

NEW CUSTOMERS - A customer is one who: (1) signed a water user's agreement; and (2) paid all initiation fees, applicable water and/or wastewater connection fees.

If, within ninety (90) days after meter is set and water service is available and continuously thereafter customer does not pay the minimum monthly water bill, then West Madison Utility District may remove the meter. Should service from West Madison Utility District ever be desired at a later date, West Madison Utility District will collect for meter installation, service hook-up, any past outstanding charges, and any additional fees as are provided in its rules and regulations.

APPLICATION REQUIREMENTS – Before water service may be rendered, a user's agreement must be signed and witnessed, or notarized if taken from the office. New water meter service must have a written request ten (10) working days prior to date of desired service.

Connection fees, as well as all applicable fees, shall be collected in advance by West Madison Utility District. This will include the cost of making the actual connection and extending the service line to the customer's property line. The connection fee shall be non-refundable.

When extending the service line to the customer's property line, West Madison Utility District will provide up to twenty (20) feet. Any additional footage required will be charged to the customer at cost, plus time and materials. All service lines up to the customer's property line must be installed by West Madison Utility District in order for West Madison Utility District to retain ownership and responsibility for the upkeep and maintenance of the service line. Please see Service Extension & Subdivision Policy within this document.

If a customer leaves West Madison Utility District owing a balance on his/her water bill and returns to the district and requests service, West Madison Utility District has the right to decline service to the customer until the past due balance is paid, as well as all applicable activation fees. If a customer left owing a balance but has someone else within the same household apply for service in an attempt to circumvent paying the past fees, and the customer owing the balance is still living in the household, West Madison Utility District has the right to collect the owed balance at the subject address, even though the account is now in the name of another member of the household. Members of household in this instance refers to all persons living within the same structure at this location.

If a customer dies and his/her heirs at law/caretakers wish to place the utility account in his/her name, they may do so without any additional charges, provided that he/she fills out a water user agreement and assumes any and all balances due by the deceased as well as their responsibilities in this regard.

NON-REFUNDABLE ACTIVATION FEE – A non-refundable activation fee, in accordance with the fee schedule in Attachment A, shall be required before service may be rendered to any customer.

No after- hours service for turning on water will be allowed. It is the customer's responsibility to notify West Madison Utility District during regular business hours regarding wanting water at an existing service location. Meter service found "on" where all applicable charges have not been paid will be discontinued without notice. This is considered to be theft.

CONNECTION FEE – Please see Attachment A for service connection fees.

AVAILABILITY OF SERVICE – Public waterworks and wastewater services from the West Madison Utility District shall be available to all applicants in its certificated service areas. Such service shall be provided by West Madison Utility District in accordance with its "Service Extension Policy" upon receipt of all applicable fees.

No person shall be permitted to subscribe for or acquire service from West Madison Utility District if the capacity of its water and/or sewer system is exhausted by the needs of its existing customers.

WATERWORKS POINT OF DELIVERY – The point of delivery is the point, as designated by West Madison Utility District, where the meter is to be set. The customer shall maintain all installations beyond the point of delivery.

The water system recommends that the customer install a cut-off valve on the customer's side of the meter box.

Meters may only be set on property owned by the customer.

West Madison Utility District is not responsible for verifying that the customer is the owner of the property. It is the responsibility of the customer to provide information verifying that he/she/it is the owner of the property. West Madison Utility District will require all customers to provide a copy of his/her deed or lease to the property in order that the utility account will agree with the name on the deed/lease.

SEPARATE METERS FOR SEPARATE DWELLINGS - In no case shall the customer tie an extra user to his/her meter service. An extra user is any building, mobile home, manufactured home, etc., which is required to have a separate electric power meter. Each building or structure receiving water, including mobile homes (unless designated as a trailer park), shall be metered separately.

RESALE OF WATER PROHIBITED – All purchased water service (other than emergencies or standby service) used on the premises of a customer shall be supplied exclusively by West Madison

Utility District, and the customer shall not directly or indirectly sell, sublet, assign, or otherwise dispose of the water service, or any part thereof.

CROSS CONNECTIONS PROHIBITED – No customer of West Madison Utility District shall make a physical connection between any waterworks facilities connected to West Madison Utility District's public water supply and any other water supply. A customer's private well, cistern, or other private water supply shall be physically disconnected from any plumbing facilities to be connected to West Madison Utility District's water supply before public waterworks services are connected. (See Attachment B – Cross Connections Policy)

WASTEWATER SERVICE POINT OF DELIVERY – The point of delivery (or receipt) of wastewater service from a customer shall be the "Y" branch, tee or sewer service line stub out from the public sewer. The point of delivery shall not extend beyond the right-of-way of a public street or the line of a private easement. All sewer service lines, grease traps, interceptors, cleanouts, and other facilities upstream from the point of delivery shall be the property of the customer and shall be operated and maintained by the customer. All facilities downstream from the point of delivery shall be the property of West Madison Utility District and shall be operated and maintained by West Madison Utility District.

The point of delivery (receipt) on pressurized sewer shall be the pumping station. The pumping station shall be the property of, and be operated and maintained by, West Madison Utility District.

SEWER CUSTOMERS TO BE WATER CUSTOMERS – Unless otherwise authorized by the West Madison Utility District Board of Commissioners, all sewer customers shall also be water customers of West Madison Utility District.

SEPARATION OF WATERWORKS AND SANITARY SEWER FACILITIES – No customer shall install a water service line within ten feet of any sewer service line on his/her premises. Water service lines on a customer's premises shall be at least twenty-five (25) feet away from any septic tank drain field, pit privy, garbage disposal pit, wastewater lagoon or other major source of contamination.

COMPLAINTS REGARDING SERVICE – Customers shall notify West Madison Utility District's business office immediately if waterworks or wastewater services are unsatisfactory. All complaints shall clearly define the point of delivery of service and the problems being experienced by the customer. Verbal notification of unsatisfactory service should be confirmed, as soon as possible in writing.

West Madison Utility District shall make a full and prompt investigation of all complaints and shall keep records of such complaints, which shall show the name and address of the complainant, the date and character of the complaint, the adjustment or disposal made thereof, and the date of such adjustment or disposal made thereof. Complaints not resolved by West Madison Utility District's representatives to the satisfaction of the customer shall be reported in writing by the customer to West Madison Utility District's Board of Commissioners.

Work Orders - West Madison Utility District use a work order system wherein issues with water and/or sewer service are notated and given to the Operator for repair. Work orders shall be updated and closed when the issue/problem has been corrected. When the issue/problem has been corrected, the work order should state what was done, i.e., the necessary repairs performed, and the date that work was completed.

RIGHT OF ACCESS – West Madison Utility District's employees and/or designees shall have the right of access to customer's premises at all reasonable times for the purpose of reading meters; testing, repairing or removing West Madison Utility District's equipment; testing for infiltration and inflow; and other lawful duties of West Madison Utility District. West Madison Utility District shall have the right, but not the obligation, to inspect any customer installation before water or wastewater is introduced or at any

later time in regard to extra users, infiltration or inflow into wastewater service lines, cross connections of the water system's public water supply with a private water supply, or any other condition detrimental to West Madison Utility District's present or future customers.

ABATEMENT OF NUISANCES – West Madison Utility District has the authority to abate, i.e., to seek legal action to enjoin or halt, a situation found to be a nuisance to the public, available to the utility district and to the county. *Op. Atty. Gen. No. 2009-00081, Grant, March 27, 2009, 2009 WL 927992.*

INTERRUPTION OF SERVICE – West Madison Utility District endeavors to provide uninterrupted service to its customers. However, interruptions often are inevitable due to accidents, power failures, equipment failure, and related factors. Whenever practical, notice of an impending shut-down of service will be given to customers, but West Madison Utility District reserves the right to interrupt service at any time in the event of emergencies without notice. West Madison Utility District shall not be liable for any damages or problems resulting from interruption of service. Customers are responsible for providing West Madison Utility District with current telephone numbers and email accounts in order that West Madison Utility District can use this information in order to contact its customers regarding a break in a water line causing the water to be shut off, boil water notices, impending cut off of one's water, etc., through the IRIS system of notification.

WATER FOR SPECIAL USES – Water for special uses may not be obtained under any circumstances (except fire protection) from fire hydrants or blow-off valves in West Madison Utility District's water system without a permit from authorized personnel of West Madison Utility District. All water sold by permit for special uses shall be metered or otherwise estimated in quantity and paid for in accordance with West Madison Utility District's current schedule of rates and charges.

RELOCATION OF WATER METER OR SEWER SERVICES – Relocation of water meters or sewer services for the convenience and benefit of a customer shall be at the expense of the customer. The charge for such relocation shall be in accordance with the West Madison Utility District's current schedule of rates and charges.

BAD DEBTS – If a delinquent customer has not paid his/her full balance within thirty days of termination of service, the billing department will write a letter to the customer requesting full payment within thirty (30) days. The letter will list the customer's account number, address, the balance due, any late fees and delinquent/reconnection fees assessed, and also state that the Board will file a civil lawsuit against the customer to seek a judgment to recover all current and past due water charges, late fee, service charges, charges for any damages and any applicable court and/or attorney costs.

If after thirty (30) days of mailing notice concerning the bad debt balance, and the account has still not been settled, the billing clerk shall apply any deposit of record toward the delinquent balance, print a detailed transaction report of the customer's account over the last six months, and supply this report, copies of all correspondence since the water/sewer service has been terminated, the customer's address, social security number, place of employment, banking information and any other recorded information to the Board of Commissioners. The Board shall have its attorney prepare a lawsuit to recover the unpaid balance as well as any other fees that the Board or Court deems necessary, including but not limited to legal fees and court filing fees, or it shall turn the matter over to a collection agency.

If a customer owing a bad debt balance had a past deposit applied against the outstanding balance, and reapplies for service in the future, the customer will be required to complete another water user's agreement and **pay double any associated fees, i.e., double the connection/activation fee and double the first time service fee requiring new meter to be installed.**

WATER METER TEST – West Madison Utility District may, at its own expense, make periodic tests and inspections of its water meters in order to maintain a high standard of accuracy. West Madison Utility District may make additional tests or inspections of its meters at the request of a customer. Whenever a

customer's bill differs a large amount from the previous bill, the billing system automatically flags the meter for a re-reading so that by the time bills are sent, that particular meter has been read twice. If, however, after the meter has been read twice, and the customer requests an additional (third) reading, the customer will be charged a Water Meter Test Fee. If this test shows that the meter is accurate, the customer will have the Water Meter Test Fee added to his/her bill. In case the test shows the meter to be in error and there is a problem, the Meter Test Fee will not be charged to the customer.

MISS. CODE ANN. § 97-25-3 (AS AMENDED) - TAMPERING WITH ELECTRIC, GAS OR WATER METERS -

Whoever, intentionally, by any means or device, prevents electric current, water or gas from passing through any meter or meters belonging to any person, firm or corporation engaged in the manufacture, sale or distribution of electricity, water or gas for lighting, power or other purposes, furnished such persons to register current or electricity, water or gas, passing through meters, or intentionally prevents the meter from duly registering the quantity of electricity, water or gas supplied, or in any manner interferes with its proper action or just registration, or, without the consent of such person, firm or corporation, intentionally diverts any electrical current from any wire or cable, or water or gas from any pipe or main of such person, firm or corporation, or otherwise intentionally uses, or causes to be used, without the consent of such person, firm or corporation, any electricity or gas manufactured, or water produced or distributed, by such person, firm or corporation, or any person, firm or corporation who retains possession of, or refuses to deliver any meter or meters, lamp or lamps, or other appliances which may be, or may have been, loaned them by any person, firm or corporation for the purpose of furnishing electricity, water or gas, through the same, with the intent to defraud such person, firm or corporation, shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00), or by imprisonment in the county jail not more than three (3) months, or by both fine and imprisonment in the discretion of the court.

The presence at any time on or about such meter or meters, wire, cable, pipe or main of any device or unauthorized meter or pipe or wire resulting in the diversion of electric current, water or gas, as above defined, or resulting in the prevention of the proper action or just registration of the meter or meters as above set forth, the same being knowingly or intentionally installed, shall constitute prima facie evidence of knowledge on the part of the person, firm or corporation having custody or control of the room or place where such device or pipe or wire is located, or the existence thereof and the effect thereof, and shall constitute prima facie evidence of the intention on the part of such person, firm or corporation to defraud and shall bring such person, firm or corporation prima facie within the scope, meaning and penalties of this section.

Provided further, that if any person, firm or corporation engaged in the selling or delivering any electric current, water or gas, to a consumer shall knowingly cause to be installed any meter or meters intentionally adjusted or regulated so as to cause such meter or meters to register a greater amount of such electric current, water or gas, than actually passes through the same, shall be prima facie evidence of the knowledge of such person, firm or corporation engaged in selling or delivering such electric current, water or gas, of the existence thereof and shall bring such person, firm or corporation within the scope and meaning of this section, and subject to the operation of this section. Provided further, any employee, stockholder, or member of the board of directors who, with intent to defraud a customer, falsifies, or acquiesces in the falsifying, of any record which results in billing in excess of the amount lawfully due and owing, shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or sentenced to serve not more than six (6) months in jail, or both.

Provided further, this section shall not relieve any person, firm or corporation from any other liabilities now imposed by law.

West Madison Utility District's Board of Commissioners, upon becoming aware of tampering regarding its water meters and/or water lines, will assess damages in addition to monthly charges for the months during which water service was not provided by West Madison Utility District to the affected location according to its records.

Attaching a hose to a fire hydrant to obtain water for personal use is considered theft and shall be handled as such.

SUBDIVISION/DEVELOPERS OF SINGLE-FAMILY HOME DEVELOPMENTS

The extension of service in or surrounding the certificated area to subdivisions, housing projects, and commercial developments will be handled on a non-refundable contribution-in-aid-of-construction basis. Such extension shall be made by the West Madison Utility District. The District will own and maintain the lines and service installed under such contribution, and the service will be rendered according to the services rules and regulations of the District, and any special arrangements with such customer, which arrangements have approval of appropriate regulatory authorities.

The policy under this section shall consist of the West Madison Utility District furnishing all materials, equipment, professional services, and labor to install, and complete the additions to their distribution system consisting of the water-pipe lines, valves, fittings, and all miscellaneous and appurtenant items unless otherwise altered by the District's Board of Commissioners. All references to an Engineer or Contractor refer to those employed by the District. Developer will be responsible for paying to the District all costs associated with engineering and construction.

REQUIREMENTS BEFORE CONSTRUCTION

Project Initiation

The development must request that the West Madison Utility District perform a hydraulic analysis on the proposed development. This should be done in writing with a location and draft layout of the development clearly referenced on a copy of a county tax map with the total number of water users (both residential and commercial). Prior to this analysis, the developer must pay a hydraulic analysis fee to the District. This fee shall be a \$2,500.00 non-refundable fee.

Once the West Madison Utility District receives this deposit and the above-mentioned items, the District will begin the hydraulic analysis. The District will notify the Developer of these requirements in writing (1st letter).

Hydraulics Analysis

The hydraulic analysis will ensure that the development can be served with adequate water at satisfactory pressure without jeopardizing the existing system. If adequate water is not available, the developer is responsible for providing the necessary funds for improvements to make that part of the system adequate.

A copy of the analysis will be furnished to the developer upon request. West Madison Utility District will submit the analysis to the Mississippi State Department of Health (MSDH) for approval with the construction plans and specifications.

This hydraulic analysis in no way assures the developer or individual of approval from the MSDH. The approval by the West Madison Utility District of a proposed area for development can be cancelled after eighteen (18) months from the date of the analysis if no construction has begun.

At the completion of the hydraulic analysis, West Madison Utility District will begin development a Preliminary Opinion of Probable Cost (OPC) for the water and/or sanitary-sewer extensions to the proposed development. The District will furnish the developer with a copy of the OPC along with the required deposit letter at this time (2nd letter). This deposit is intended to cover design, engineering, permitting, right-of-way/easement preparation and

acquisition, and all other incidentals necessary to prepare the project for the construction phase.

Right-of-Way Easements and Permits

The applicable permits and right-of-way easements must be executed pertaining to private property, county roads, highways, railroads, river crossings, etc. The West Madison Utility District requires that the developer grant a 10-foot permanent utility easement on all properties within their development to the District. This easement will be measured from the edge of the property line and/or edge of the public rights-of way bordering a roadway. The 10-foot easement must be recorded on all plats and deeds that will be filed with Madison County.

Project Design

Once the deposit from the developer has been received, West Madison Utility District will begin the design of the proposed improvements. After completion of the design, construction plans, specifications, and submittals, it will be submitted by the District to the MSDH for review and preliminary approval.

After receipt of the MSDH's approval, West Madison Utility District will secure pricing for the proposed improvements. Once pricing has been received, the developer will be notified by the District of the estimated construction costs for the project (3rd letter).

The three letters referenced hereinabove have sample letters attached hereto and marked as Attachment "C."

Project Construction

Once the deposit from the developer for proposed construction has been received, West Madison Utility District will begin construction of the project.

At the completion of the project, the developer will be required to provide any funds that are required to make West Madison Utility District whole for expenses incurred by the District for the design and construction of the proposed improvements.

SERVICE EXTENSION POLICY

- 1) The service extension policy for West Madison Utility District shall apply to those cases where the service in question is where the property line/designated point of delivery is located more than twenty (20) feet from the location of the distribution main.
- 2) In general terms, it is West Madison Utility District's policy that all new customer(s) pay the full cost (both direct and indirect costs) of the required service extension plus a reasonable impact fee to compensate West Madison Utility District for maintaining excess capacity in its water and wastewater system which is available to serve new customers.

Application for Service

In such instances the prospective customer shall clearly state the type water and/or sewer service desired, and shall clearly define the point at which it is desired in a written application for service.

Estimate of Cost and Availability of Service

West Madison Utility District will estimate or cause to be estimated the cost of providing the service requested at the point indicated in order to evaluate properly the facts influencing the extension of such service and whether economic feasibility exists.

RULES AND REGULATIONS GOVERNING MULTI-UNIT CONNECTIONS – The above policies for subdivision/developers of single-family home developments and the below regulations shall apply to all

multi-unit services which are served through a master meter(s), including mobile home parks, apartments, housing complexes, and businesses. In the event of any discrepancy between this section and single-family home developments, this section shall supersede it.

No three-fourths ($\frac{3}{4}$) inch meters will be allowed on multi-unit services. Meters for multi-unit services shall be sized and approved as follows:

- Nine (9) units – one (1) inch meter (Local Health Department approval)
- Ten (10) or more units – two (2) inch meter (MSDH approval)

Note: Sizing is subject to hydraulic conditions.

The customer shall not connect more units than the MSDH approves.

The calculation of rates for multi-unit customers shall be as follows:

- A gross number of gallons used monthly shall be divided by the number of units being served to establish an average monthly use per unit.
- The monthly average charge per unit shall then be computed by applying the current rate schedule West Madison Utility District to the average monthly use per unit, and such average monthly charge multiplied by the number of units shall be the monthly charge due by the multi-unit customer, less a ten percent (10%) discount.
- Rates will be calculated on the basis of units on site, whether occupied or vacant.

Continued service to multi-unit connections will be based on approval of the facilities by the MSDH.

All additions or extensions to existing multi-unit connections shall comply with the regulations adopted by West Madison Utility District.

All multi-unit developments requesting individual meters shall comply with the Technical Specifications of West Madison Utility District.

All multi-unit customers are subject to the rules, regulations, provisions, and amendments of West Madison Utility District.

RENTAL PROPERTIES - In the event rental properties are to be connected to West Madison Utility District's water and/or sewer service, the owner of the property must contact West Madison Utility District and pay any and all required fees. In no case shall anyone tap, cut or alter existing lines without the presence of a representative of West Madison Utility District. The property owner shall retain the ownership and responsibility of the portion of any water and/or sewer service line from the "tap in" location into West Madison Utility District's main service line.

If a property owner has more than one rental property, and wants to connect these properties into one line that extends to one "tap in" into West Madison Utility District's service line, the property owner must first obtain permission from West Madison Utility District to do so, and West Madison Utility District's Operator must first evaluate whether the connection will have any detrimental effect or possible problems with future water and/or sewer service. Each residence, however, will be required to have a separate water meter (see Separate Meters for Separate Dwellings). If West Madison Utility District is not notified of such a connection, it has the right to fine the property owner for all estimated amounts of loss of income from the service provided, as well as a fine from \$100.00 to \$500.00 (see Vandalism Fee). Furthermore, if the owner of the property ever wishes to disconnect the service, he/she must first notify West Madison Utility District, and a representative of West Madison Utility District must be on site when the lines are disconnected. The landlord/property manager is expected to provide West Madison Utility District with a copy of all new leases in order that the name(s) on the utility accounts agree with the name(s) of the lessee(s).

The landlord/owner of rental properties is expected to pay West Madison Utility District a floating deposit. Whenever the owner/manager wishes to have water turned on for cleaning purposes in a

vacated dwelling, the meter reader who turns on the water will take a meter reading at that time. It is the responsibility of the owner/manager to make sure there are no leaks within the dwelling, but if the meter reader notices evidence of a leak, i.e., the meter turning constantly when the water is turned on, he will turn off the water and let the manager/owner know that there is a leak. When the owner/manager is ready to have the water cut off after cleaning, he or she will contact West Madison Utility District, and the meter reader will read the meter when he cuts off the water. A bill will be sent to the owner/manager for the water usage that will **need to be paid separately from the floating deposit**. If for some reason the water/sewer bill is not paid in a timely manner, West Madison Utility District may take funds from the floating deposit, at which time the owner/manager will not be able to have water turned on again until the floating deposit is again at the required balance set by West Madison Utility District.

FREE OF CHARGE USAGE OF SERVICES – The West Madison Utility District shall fix, maintain, collect and revise rates and charges for services rendered by or through the facilities of the district, which rates and charges shall not be subject to review or regulation by the Mississippi Public Service Commission; however, the district may furnish services, including connection to the facilities of the district, free of charge to the county or any agency or department of the county and to volunteer fire departments located within the service area of the district. The West Madison Utility District, however, must maintain its certificate of convenience and necessity from the Mississippi Public Service Commission for its operation of water and/or sewer systems.

It has been determined by West Madison Utility District that as long as the monthly amount of water used by the West Madison Fire Protection District remains under 4,000 gallons per month that it will not charge usage fees for water used. However, if the amount of gallons exceeds the specified amount, West Madison Utility District has the option of charging for the monthly usage of water.

CUSTOMER'S RESPONSIBILITIES FOR WEST MADISON UTILITY DISTRICT'S PROPERTY – All meters, service connections, water and sewer lines and other equipment furnished by West Madison Utility District shall be, and remain, the property of West Madison Utility District. Customers shall provide a space for, and exercise proper care to protect, the property of West Madison Utility District on his/her premises if necessary for the provision of service. Customers make sure that there is nothing put in place by the customer that would prevent a representative of West Madison Utility District from performing his/her duty, i.e., repairing a water or sewer line, reading meters, etc. No animal(s), i.e., dogs, cattle, etc., can be fenced, tied or chained in such a manner that it prevents a West Madison Utility District representative from reading the meter each month. **If a customer places an animal in the vicinity of where West Madison Utility District's property is located, i.e., the meter, etc., the customer will be notified that he/she needs to remove the animal from this location, or West Madison Utility District reserves the right to discontinue service to that customer until such time that the animal has been relocated.**

In the event of loss of, or damage to, West Madison Utility District's property arising from negligence of the customer, the customer shall pay the cost for necessary repairs or replacement of said property. If the customer will not pay the damages after having been sent a demand letter, West Madison Utility District will initiate legal proceedings in order to recoup its loss, as well as any additional fees, court costs and/or attorney fees. West Madison Utility District cannot disconnect a customer's water/sewer service, however, regarding such damage as it can only decline services for issues of the same civil liability, i.e., discontinuance of service for failure to pay water/sewer charges.

To avoid sewage blockages, customers shall never pour fats, oils, harsh chemicals and/or grease down sink drains, garbage disposals and/or toilets. Restaurant and commercial building owners shall have grease traps that are properly designed, installed and regularly maintained. Any fixtures (toilets, sinks, bathtubs, washing machines, etc.,) subject to backflow of sewage from the public sewer shall be protected by a backwater prevention device or check valve to be installed by the customer at their building, especially in below-grade fixtures.

Customers shall not dispose of the following items, to include but not limited to, paper, paper towels, napkins, rags, newspaper, tampons, feminine napkins, diapers, etc., in the sewer system as these items can cause blockages.

No debris shall be thrown down a manhole or into a storm water drain. If someone is caught throwing debris down a manhole or into a storm water drain, he/she and/or they, will be prosecuted for littering, and will be liable for any and all expenses resulting from, or contributing to, a sewer blockage.

Customers shall not plant any trees or bushes near sewer lines and shall remove trees and/or bushes that are growing near the sewer lines.

In instances where it can be determined by West Madison Utility District that a sewer blockage was caused either directly or indirectly by a customer due to putting item(s) such as those mentioned hereinabove into the sewer system, the cost for removal of the blockage shall be assessed back to the customer by West Madison Utility District. If it can be determined that the blockage was caused by more than one customer putting unacceptable item(s) into the sewer system, the cost for removal of the blockage will be equally assessed to the customers involved.

When a blockage occurs where two sewer lines connect via a "y" connector into a single line prior to reaching West Madison Utility District's main sewer line, if the Operator can determine which customer put a foreign object and/or liquids and/or other items such as those listed hereinbefore, into the sewer system that caused and/or contributed to, the blockage, West Madison Utility District shall assess the cost of the removal of the blockage from all affected lines to the customer deemed responsible.

It is the customer's responsibility to maintain products in their home, i.e., water heaters, toilets, faucets, etc. and to make sure that they are not leaking or running continuously. The water line from the meter to the home of the customer is owned by the customer and it is his/her responsibility to maintain his/her water line.

WATER/SEWER RATES - The Board of Commissioners for the West Madison Utility District will review the system's rates in the month following the completion of the annual audit and make adjustments where necessary. Customers of the West Madison Utility District will be notified of increases in water and/or sewer rates on their regular monthly bill, and notice will also be posted at the West Madison Utility District's office the month prior to when the rate increase will be effective.

No flat rates are allowed. Every customer will be billed based on meter readings that are calculated based on its approved rates of consumption.

Rates and charges set by West Madison Utility District are not subject to review or regulation by the Mississippi Public Service Commission as West Madison Utility District was created under § 19-5-151 through 19-5-207, as amended, establishing the Board of Commissioners as West Madison Utility District's governing authority, providing it with the power to fix, maintain, collect, and revise rates and charges for services rendered by or through the facilities of the district (*Miss. Code Ann. §19-5-177(e), as amended*).

West Madison Utility District, in an effort to provide equitable and fair charges for services rendered, will periodically have a rate study performed by the Mississippi Rural Water Association in order to determine if it is charging rates at a level recommended by this agency. West Madison Utility District may also consult with officers of the Public Service Commission and/or officers of the Public Utilities Staff in matters that it feels may assist with issues related to the services and function of said district.

West Madison Utility District cannot obtain grants, loans, or any other type of assistance to repair and/or maintain its facilities involving large expenditures if it cannot assure the entities involved that it is operating in such a manner that it is financially stable. This is why rate studies are requested from the Mississippi Rural Water Association, and water/sewer rates are adjusted to meet these requirements.

It is the responsibility of West Madison Utility District to make sure that the rates it charges are of a sufficient nature in order to provide clean water to its customers and to create sustainable and efficient water/sewer service.

NEPOTISM, EMPLOYMENT OF RELATIVES AND PERSONAL RELATIONSHIPS -

Appointment to the Board of Commissioners as well as length of terms for each Board Member of West Madison Utility District is governed by Miss. Code Ann. § 19-5-167, as amended. The Supervisor of District 4, the District in which West Madison Utility District is located, is responsible for the submission of name(s) for consideration for appointment to the Board. The Board of Supervisors approve the appointment of each member of the Board. Board of Commissioner members are required to reside within West Madison Utility District's certificated area. West Madison Utility District does not have the authority to appoint members to its Board of Commissioners nor extend their terms nor to appoint alternate Board members.

The members of the Board of Commissioners of West Madison Utility District shall serve without salary, but shall be entitled to receive a per diem in the amount provided for in § 25-3-69. They shall be reimbursed for their actual travel and hotel expenses as provided in § 25-3-41, incurred while in the performance of their duties as members of the Board of Commissioners of West Madison Utility District. No Board member may be reimbursed for time spent assisting/working in the office or otherwise so as to not create any conflict of interest or liability to the Board as a whole. West Madison Utility District's Board of Commissioner positions are volunteer service only, and as such, no payments shall be made and/or accepted by the Board members for services rendered. A Board member who accepts pay for work performed on behalf of West Madison Utility District violates the laws governing public officials and ethics in government, and shall be reported to the Mississippi Ethics Commission, the entity that enforces ethics in government law (*Miss. Code Ann. § 25-4-1 – 25-4-119, as amended*).

West Madison Utility District wants to ensure that its practices do not create situations such as conflict of interest or favoritism. This extends to practices that involve employee hiring, promotion and transfer as well as Board appointments. West Madison Utility District does not allow for employment of close relatives, partners, those in a dating relationship or members of the same household of existing employees and/or Board of Commissioner members (*Miss. Code Ann. §25-4-3, §25-1-53 and §25-1-55, as amended*). Members of the Board of Commissioners can in no way be related, in a dating relationship, or members of the same household. Close relatives are defined as spouse, domestic partner, father, other, father-in-law, mother-in-law, grandparents, son, son-in-law, daughter, daughter-in-law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, step relatives, cousins' spouses and domestic partner relatives or the spouses of the aforementioned.

Further, West Madison Utility District does not allow the hiring of anyone to serve in the capacity of billing and/or the receiving of monies to live within its certificated areas, or to be related to anyone as heretofore defined.

West Madison Utility District reserves the right to apply this policy to situations where there is conflict or the potential for conflict because of the relationship between employees and/or Board of Commissioner members, even if there is no direct-reporting relationship or authority involved.

CUSTOMER BILLING AND PAYMENT – The water system's water meters shall be read once a month within bills calculated from these meter readings shall be mailed the last week of the month to each customer. The bills shall be payable by the tenth (10th) day of the following month. Bills not paid by the tenth (10th) day of the month shall be considered delinquent and a late fee will be added to the bill. Should the final date for payment of the bill fall on a weekend or holiday, the next business day following the final date shall be considered the delinquent date. Remittance received by mail after the time limit for non delinquent payment will be accepted without penalty by West Madison Utility District if the incoming envelope bears a U.S. Postal Service date stamp of the final date of non delinquent payment, or any date prior thereto. If a customer does not receive a monthly statement, it is the customer's responsibility to

contact West Madison Utility District's office to find out how much he/she owes for his/her water/sewer service.

Monthly billing statements reflect the date of when non-payment is considered delinquent and also the date of when service will be disconnected in the event of non-payment. The statements also state "no cash accepted."

A customer has the right to designate another person to receive all information regarding their service, including notices, notifications of water cut offs, late fees, etc. In the event a customer chooses this option, West Madison Utility District is relieved from any and all liability in the event the designee does not notify the customer of pertinent communications or pay the water/sewer bill in a timely manner, etc. It is the responsibility of the customer to notify WMUD in the event he/she wishes to remove the designee from receiving said notices. These requests shall be made in writing and filed in the customer's file.

If a customer has a life threatening situation, it is the responsibility of the customer or his/her designee to notify West Madison Utility District, so that it can be informed of same should the water/sewer bill become delinquent and cut off of services is imminent.

It is the customer's responsibility to notify West Madison Utility District in the event that the person in whose name the account is listed has passed away or moved so that the account can be placed in whoever's name is the responsible party for payment of the water/sewer bill.

It is the customer's responsibility to update his/her telephone numbers and/or email addresses in order that West Madison Utility District can contact the customer.

CUSTOMER BILLING/PAYMENT POLICY – West Madison Utility District Board of Commissioners has the ultimate authority and responsibility of ensuring the financial health and stability of the water/sewer district. It is inherent that every customer is treated in a fair and equitable manner, and that each customer pay for the services provided by West Madison Utility District. Therefore, no adjustments are allowed for any water/sewer bill unless an error was made in meter reading or billing except for adjustment of sewer charges in connection with a water leak as outlined hereinbelow. No adjustments will be made to the late payment policy. A late fee will be added to all unpaid balances after the tenth (10th) of each month, regardless of the amount of the unpaid balance, *except* for the balance owed on a hardship payment plan as outlined hereinbelow.

As West Madison Utility District is recognized as a subdivision of Madison County, Mississippi, it cannot legally adjust a customer's water/sewer bill according to the Constitution of the State of Mississippi. It is stated that "no obligation or liability of any person, association, or corporation held or owned by this state.....or any county, city or town thereof, shall ever be remitted, released or postponed, or in any way diminished by the Legislature, nor shall such liability or obligation be extinguished except by payment thereof into the proper treasury; nor shall such liability or obligation be exchanged or transferred except upon payment of its face value" (Miss. Const. Art 4, Sec 100).

West Madison Utility District should not be expected to know the reason why a customer's bill has increased unless a leak is detected or it finds that the meter is not working correctly. West Madison Utility District will perform a reread for the customer; however, if the meter reading is consistent with the last reading recorded, the bill must stand. Unless there is a clear error on the part of West Madison Utility District, there will be no adjustments to any water bills. If an error is discovered, the bill will be corrected and the Board of Commissioners will be notified of the error and correction of the bill in the Operator's monthly report.

One Board member cannot make a decision to make any decisions regarding a customer's bill. The customer should be familiar with this policy. If all procedures are followed and the customer is still not content, he or she should go through the correct steps to be placed on the Board's Agenda for the next meeting.

West Madison Utility District reviewed an insurance policy for its customers in the event of leaks. A monthly fee would be reflected on the customers' water/sewer bills identified as "Servline." The maximum water/sewer bill that would be covered by the insurance would be \$2,500.00, and the customer may only use the insurance once per year should he/she encounter a larger than normal water/sewer bill due to a leak. If the customer receives a large bill and wishes to utilize this insurance, he/she shall notify West Madison Utility District. West Madison Utility District will average the customer's previous three (3) monthly water/sewer bills in order to obtain a fee that the customer is expected to pay West Madison Utility District. It is then the customer's responsibility to contact Servline to file an insurance claim, and Servline will pay the remaining balance of the customer's water/sewer bill, up to the sum of \$2,500.00. Any and all amounts over the \$2,500.00 shall be the responsibility of the customer to pay. Servline will require proof from the customer that he/she repaired the leak. Customers can opt out of participating in the Servline program, but if he/she does so, the customer will then be responsible for payment of any and all charges as mentioned hereinabove consistent with West Madison Utility Districts billing/payment policy. NOTE: West Madison Utility District did not enact the Servline insurance as only four (4) customers wished to enroll and this was not enough to enact the policy.

BILLING ADJUSTMENTS POLICY - Only sewer charges can be adjusted by West Madison Utility District due to a water leak. The customer must produce evidence of repairing a water leak. The sewer charge only will then be adjusted and billed at the amount of the average of the previous three (3) month's sewer charges. This is the only adjustment allowed. Adjustments of sewer charges due to leaks are limited to three (3) times per year and/or a total aggregated adjustment of sewer charges in the amount of \$200.00.

HARDSHIP PAYMENT PLANS - Customers who wish to apply for hardship payment plans will be allowed the following: 1) for a water/sewer bill that is between \$200.00-\$600.00, West Madison Utility District will allow a six (6) month payment plan; and b) for a water/sewer bill that is over \$600.00, West Madison Utility District will allow a twelve (12) month payment plan. Water/sewer bills less than \$200.00 will not be eligible for payment arrangements unless specifically authorized by the Board of Commissioners due to unusual circumstances. The current water/sewer bill must be paid in full each month in addition to the payment arrangement. No late charges will be applied to the balance being paid under a hardship payment plan as long as the customer continues to pay his/her current bill each month in addition to the payment required under the payment plan. **NOTE: Due to substantial loss of income due to renters leaving the area after incurring a large utility bill, renters are not eligible for payment plans.**

SWIMMING POOLS - Customers who have swimming pools should notify West Madison Utility District prior to refilling their swimming pools so that West Madison Utility District can send someone out to verify and measure the existing pool for calculations as to water used to fill the pool. If a customer has filled the pool and not notified West Madison Utility District, a representative from West Madison Utility District will still need to measure the pool per guidelines for pool measuring in order to accurately calculate the amount of gallons of water in the pool. This information will be placed on the customer's account so that the measurements/gallons will be available for future use. In the event a customer removes an existing pool and acquires another pool, the customer should notify West Madison Utility District so that someone can again verify the size/gallons contained in the new pool.

Below ground swimming pools are typically never drained except to repair or replace a liner. Above ground pools are filled once per year in the spring (emptying them during the winter will cause damage to an above ground pool) and therefore, customers will only be allowed one reading for adjustment of the sewer charge per year in relation to the amount of gallons used for filling the swimming pool. The only other time that a sewer charge adjustment will be allowed during the same year for filling of a customer's swimming pool would be if the liner was damaged in such a way that it would need to be drained to fix the

tear. In this instance, it will be the customer's responsibility to notify West Madison Utility District in order for our Operator to verify that the pool is, in fact, damaged and has been drained.

PROOF OF PAYMENT- If a customer has a dispute regarding the proper credit and posting of a water/sewer bill payment, it is the customer's responsibility to provide acceptable proof of payment. Proof of payment may consist of one of the following: a) bank cancelled check; b) West Madison Utility District payment receipt; b) payment to West Madison Utility District reflected on the bank statement/credit card statement; and/or c) statement and photocopy of cancelled money order from the company issuing the money order. A money order receipt is not proof that the payment was made; the receipt is only proof that you purchased a money order. A money order receipt should always be retained by the customer in case the customer needs to request a trace from the company issuing the money order. **No cash payments are accepted by West Madison Utility District, and this fact is also mentioned on each and every monthly statement.**

It is the responsibility of the customer to notify the billing department of any discrepancy in his/her billing, including an improperly credited or missing payment. The billing department will notify the customer if he/she cannot find or solve the problem. If the customer is dissatisfied with the answer received from the billing department, the customer may fill out a request to appear before the Board of Commissioners, he/she must provide proof of payment or request additional time to obtain proof of payment. The Board of Commissioners will set a timeframe (typically one month) for the customer to obtain proof of payment, and during this time, no late fee will be assessed for the missing payment. After the set timeframe, if the customer has not produced proof of payment, the charges will be assumed to be correct and the customer will be responsible for payment of the assessed charges and the late fee.

INSUFFICIENT FUNDS - Checks returned for insufficient funds shall not be considered timely payment of bills. Checks returned for insufficient funds shall result in an additional charge added to the customer's bill in addition to the late charge.

DISCONTINUANCE OF SERVICE –West Madison Utility District will cut off water service to any customer who has not paid his/her water bill in full by the fifteenth (15th) day of the month when the bill is due, or in the event the fifteenth (15th) day falls on a weekend or holiday, the first business day following said weekend or holiday.

Customers may contact West Madison Utility District's office as to any discrepancy in his/her bill, **provided the business office has been contacted three days prior to the deadline for discontinuance of service.** The billing department's decision may be appealed to the Board of Commissioners, provided such appeal is filed in writing with West Madison Utility District's business office within one day of the billing department's decision. The Board of Commissioners' decision regarding payment of a disputed bill shall be final.

In the event that it is necessary for the water system to discontinue service to a customer, a reconnection fee, in accordance with the West Madison Utility District's current schedule of rates and charges, shall be charged to the customer in addition to all delinquent payments and late charges.

West Madison Utility District will have a program named IRIS, which is a call notification program that will notify customers of intended disconnection of service for non-payment. This program will be able to contact customers via text messages as well as email. It provides verification that the notice was sent. It is the customer's responsibility to provide West Madison Utility District with his/her current telephone number and an email address, if applicable.

West Madison Utility District shall not be liable for damages because of discontinuing service at any time after the delinquent date. The discontinuance of service by West Madison Utility District for any reason does not release the customer from obligations to the West Madison Utility District for payment of bills. Payment in full shall be required before service may be rendered at any location in West Madison Utility District's certificated area.

ACCEPTABLE PAYMENT – West Madison Utility District will accept payment from its customers by check and money order. Customers will be able to pay his/her water/sewer bill by debit card, credit card or echeck through his/her Nexbillpay account. However, if a customer has paid with at least two checks that have been returned for insufficient funds, West Madison Utility District will disallow the customer the ability to pay using echecks through the customer's Nexbillpay account. The customer will be responsible for creating his/her account in Nexbillpay by setting up a log-in. The customer also has the option of making his/her payment through Nexbillpay by voice activation through his/her telephone if he/she does not wish to use the internet. Nexbillpay will send the customer a text receipt. If payment is made through Nexbillpay online via the internet, the customer will receive an emailed receipt. In order to continue to be able to provide this service to its customers, at least twenty (20) customers will need to use Nexbillpay each month.

COMMUNITY CENTER POLICY - As the Community Center is part of the building where the West Madison Utility District office is located and is owned by West Madison Utility District, rental fees are charged for its use in order to provide upkeep for said Community Center.

Free of Charge Use for Community Center - It has been determined that only the following usages of the Community Center are allowed at no charge: voting, voter registration, health fair, Halloween Carnival for the Flora/Kearney Park area children, supper for the Madison Central football Team sponsored by the Flora/Kearney Park area parents (Madison parents host the other dinners in Madison and this is the only one hosted by the Flora area), and use by the Flora/Kearney Park area residents in preparing baskets for the needy during the Christmas season. **All other uses of the Community Center are to be charged unless an exception is made by the Board of Commissioners.**

Board Member Usage. Each Commissioner of the Board of West Madison Utility District shall be entitled to one free use of the Community Center per calendar year. If a Board member wishes to transfer their rental to someone else, he or she may do so, but the person they transfer the free rental to must put up a \$100.00 deposit for a cleaning fee before being allowed to use the Community Center. If the Community Center is left clean after use, the \$100.00 deposit will be returned to the renter.

Other Uses - Due to the fact that the Citizens Service Agency uses the Community Center each day, Monday through Friday, 9:00 a.m. until noon, this agency shall be charged a monthly fee to offset the expenses incurred by West Madison Utility District for utility fees and other related expenses.

Anyone wishing to use the Community Center shall be charged a minimum of \$100.00 to offset cleaning fees and utility fees. This includes repasts. If an individual/organization is expected to use the Community Center for longer than two (2) hours, the fee collected shall be \$100.00, plus \$25.00 per hour for each hour of expected use over the initial two (2) hours.

West Madison Utility District's Board of Commissioners will renew and revise, if necessary, these rental charges as they must be sufficient in amount to provide for the expense incurred by West Madison Utility District for utilities, insurance, maintenance on the facility and its equipment and labor.

Release of Liability and Requirements - Any organization or individual using the Community Center shall hold West Madison Utility District, its Board of Commissioners, and its representatives/employees free and blameless from any loss, damage, liability, cost or expense that may arise during or be caused in any way by such use or occupancy of the facility.

Public use of West Madison Utility District's facilities shall be subject to regulations and rules prescribed by the Board of Commissioners. Board policy prohibits illegal drugs, firearms, weapons, or fireworks on its property or in its buildings. Any use of alcohol by renters at the Community Center shall be allowed only inside the building. Smoking is not allowed inside West Madison Utility District's buildings. Organizations/individuals may be required to provide for auxiliary police officers at their expense. Facility users shall not permit disruptive behavior or the use, possession or distribution of any pornographic

materials or drugs (except prescription drugs used by the person for whom it was prescribed) on the premises.

Organizations/individuals using/renting the Community Center must clear access and closing with the designated Community Center Manager prior to the date of use. No keys will be given to anyone renting the Community Center. Someone will open the Community Center for rental and will lock it after its use. A \$100.00 cleaning fee shall be paid up front that will be returned to the organization/individual after inspection by the Community Center Manager if the Community Center is clean. Otherwise, the \$100.00 deposit will be used to pay someone to clean the Community Center.

Any individual/organization renting the Community Center shall be responsible for removal of any debris and/or garbage from the Community Center after said rental. Garbage cans are supplied by West Madison Utility District and are located in the front parking lot near Livingston Vernon Road. If renters move any of these garbage cans closer to the Community Center for ease of disposal of garbage, it shall be their responsibility to put the garbage cans back in their original locations.

Such use by community groups, individuals and organizations shall be scheduled so as not to interfere with the Board meetings of West Madison Utility District.

Damages - Organizations/individuals who wish to use the Community Center shall be required to assume responsibility for any damage of any kind including damage to property, furniture, fixtures, equipment used by the organization or individual, and to pay, at a cost set by the Board of Commissioners for any damage resulting from such use. If an organization/individual damages the property of West Madison Utility District, the organization/individual may not be permitted further use of the Community Center. No ornaments, signs, decorations, etc. shall be hung from ceilings or curtain rods. Anything to be placed on the walls must be approved in advance by the Community Center Manager.

Manager of Community Center - The Board of Directors of West Madison Utility District shall appoint a Manager of the Community Center who will keep a calendar of reservations and/or scheduled uses, and also keep an updated calendar of these scheduled reservations of the Community Center within the West Madison Utility District Office. The person appointed by the Board of Commissioners cannot be a Board member due to potential conflict of interest. The Board of Commissioners reserves the right to change the appointment of a Community Center Manager and to add/remove free uses of the Community Center as compensation upon a majority vote of the Board. If a fee for said services becomes necessary, the Board of Commissioners reserves the right upon a vote of the majority of Board of Commissioners to pay the appointed Manager a small fee in return of his/her services in addition to a set number of free uses of the Community Center or payment in lieu of free uses.

Community Center Manager Responsibilities - The Manager of the Community Center will be responsible for Community Center reservations, collection of the required paperwork (i.e., reservation applications) and fees as determined by the Board of Commissioners, making sure that all supplies are in place prior to use of the Community Center, and making sure that the Community Center is cleaned after any usage (if not cleaned by whomever rents the facility). In return for serving as Manager of the Community Center, said Manager shall receive three (3) free uses of the Community Center per year. Cleaning fees shall be paid separately to whomever the Board of Commissioners agree to appoint over this function at a set rate. The Manager shall make sure that all fees paid for deposits, etc., and all fees paid shall be notated fully in writing, i.e., name, date of reservation, and notation of "reservation of community center" or "repat", etc., and submitted to the Board Treasurer for deposit. Deposits must be paid separately as they are refundable upon review by the Community Center Manager of the condition of the facilities after usage. Any payments received in the West Madison Utility District office for payment of reservations shall be so noted, given to the Treasurer for deposit, and the Manager of the Community Center shall be contacted by whomever receives the payment so that he/she is kept informed of the payment of such fees. The Manager will be assigned a key to the door of the Community Center. It is the responsibility of the Manager to collect the refundable \$100.00 deposit for a cleaning/damage fee that will be refunded in the event there are no damages and the Community Center is clean after usage.

The Manager shall be responsible for submitting the applications for rental to West Madison District's office for filing. The application for rentals of the Community Center shall be kept on file in the West Madison Utility District office for accounting purposes so that the applications can be linked to the payments. If, at any time, any of the Commissioners notice that someone is using the Community Center without having paid, other than the uses specified hereinabove, he/she will notify the Manager immediately and vice versa. If the Manager does not know about the use of the Center and none of the Commissioners are aware of any scheduled usage, the Board of Commissioners have the right and obligation to file trespassing charges with the Madison County Sheriff's office.

It is incumbent upon the Board of Commissioners that the appointed Manager of the Community Center manage the Community Center in accordance with these requirements.

SERVICE AREA REGULATIONS AND MINIMUM LEVELS OF SERVICE - The water service area currently consists of land area in Madison County, Mississippi. The boundaries of these service areas are modified periodically in response to requests for service from new customers, land developers and others. All service area changes must be granted by the Mississippi Public Service Commission in response to petitions filed by West Madison Utility District.

West Madison Utility District is subject to regulation by the Mississippi State Department of Health (MSDH) (waterworks), the Mississippi Department of Environmental Quality (MDEQ) (wastewater), and the Madison County Board of Supervisors.

The MSDH enforces regulations governing public water systems, which primarily are concerned with maintaining the physical, chemical, and bacteriological quality of public drinking water supplies. The MSDH also regulates, reviews and approves the design of all improvements to public waterworks systems.

The MDEQ, Bureau of Pollution Control, enforces regulations governing design, construction, and operation and maintenance of public wastewater systems and the discharge of pollutants from these systems. MDEQ also manages the National Pollution Discharge Elimination System (NPDES) permit system in the state on behalf of the U.S. Environmental Protection Agency. The NPDES permit system sets limits on the discharge of pollutants to state and interstate waters.

The Madison County Board of Supervisors regulates, under the provisions of the "Madison County Subdivision Regulations", the provision of public utility (water and sewer) improvements installed by West Madison Utility District in new county subdivisions.

REQUIREMENTS/REPORTS/RESPONSIBILITIES OF WEST MADISON UTILITY DISTRICT

— West Madison Utility District's rules and regulations shall be administered and enforced by its Board members and all representatives acting for and on its behalf. As West Madison Utility District has no employees, it has contracted its services with an outside source, i.e., Utility Contractors, LLC, which entity shall be in charge of West Madison Utility District's day to day operations, and shall bear the title of Operator. All appeals of the Operator's decisions regarding enforcement of these rules and regulations shall be made in writing to the West Madison Utility District's Board of Commissioners. The Board of Commissioners has the right to grant exceptions and variances to these rules and regulations in special circumstances., except as to the Rules and Regulations as applicable to the laws and regulations governing it as a public body.

In all matters involving the exercise of judgment or discretion, the decision of the Board of Commissioners shall be final. The determination by the Board of Commissioners of disputed questions of fact arising under these rules, regulations, policies, and procedures likewise shall be final.

This Board exercises its power only as it sits in official session and votes to action. A majority of the members of West Madison Utility District shall constitute a quorum for the transaction of business.

Board members shall have authority only when acting as a board in session. Individual board members or groups of board members do not have independent authority to speak for this Board and should make no out-of-meeting commitments unless directed to do so on behalf of this Board. This Board shall not be bound in any way by any statement or action on the part of any individual board member or employee except when such statement or action is in pursuit of specific instructions of this Board.

As he/she has no legal right or power unilaterally to direct the course of the affairs or the actions of West Madison Utility District, he/she may not, with propriety exert the weight of his/her status as a board member in efforts to do so extra-legally. Appointed to represent West Madison Utility District at large, he/she may not, either legally or with propriety, act as a representative of any one segment of West Madison Utility District.

Board members wishing to request information from its representatives, i.e., its employees, contracted workers, etc., which would entail a system-wide survey should have the request approved by the total board.

In addition to those mandated by law, the duties and obligations of an individual board member are:

1. Endeavor to attend all meetings, discuss items presented on the agenda, suggest other items for consideration, and vote and act upon motions and resolutions impartially for the good of West Madison Utility District;
2. Accept the will of the majority vote in all cases and give support to the resulting policy;
3. Familiarize himself/herself with the laws, regulations of the State regarding utility districts, requirements of the Department of Health, requirements of the Department of Environmental Quality, and West Madison Utility District's approved policies, rules and regulations;
4. Have a general knowledge of the aims and objectives of West Madison Utility District;
5. Work harmoniously with other Board members;
6. Represent West Madison Utility District to the public in such a way as to promote both interest and support;
7. Refer all suggestions and complaints to the Board and to abstain from individual counsel and action;
8. Endeavor to be pro-active through its actions regarding the water/sewer system in order to plan ahead for future purchases to upgrade the system, as well as plan for future requirements prior to deadlines. In order to accomplish this, the Board will work with its Operator so that a projected list of items/requirements can be developed with projected deadlines/costs, i.e., the need to inspect the back up well in order to determine whether it needs repair or is in such a state of disrepair that it would not be dependable should it be required for service, schedule an inspection of the water tank every five (5) to six (6) years instead of waiting until the ten (10) year deadline, run pump tests on the wells every year to ascertain if the Operator sees a drop in efficiency over a period of time, develop a website and obtain programs to assist the water/sewer district to be more informative for its customers regarding its actions, policies, etc.
9. Be vigilant in reading emails and communicating with other Board members so that he/she can be informed of any and all situations that may arise prior to Board meetings that would require Board members to act and communicate. Any actions taken by majority of the Board

members via email communications shall be ratified at the next regular meeting of the Board of Commissioners.

10. Shall be prepared for each Board meeting by putting forth an effort to read any and all communications sent by other Board members regarding upcoming agenda items.
11. Shall be responsible in its actions to provide efficiency and cost effectiveness, as well as to provide sustainability for West Madison Utility District.
12. Shall work closely with its Operator and Engineer in order to establish a list of items that it feels needs to be accomplished in order for the district to operate effectively and efficiently, i.e., establish a plan for future purchases, required actions, water/sewer line replacements, repairs, etc.

This Board exercises its power only as it sits in official session and votes to action. A majority of the members of the Board shall constitute a quorum for the transaction of business.

This Board will strive at all times to preserve integrity and support each other during times of unwarranted attack by outside forces. It will strive to maintain mutual respect for each other and be mindful that it is the solemn duty of each to make informed decisions that will make West Madison Utility District a viable and well situated utility district, and to always act within the framework of the local, state and federal government when implementing these duly constituted Board policies. Board members are expected to defend the actions of the district as decisions governing these actions are made in accordance with established rules and procedures. In the event a proposed action is in opposition or counter-indicative of all acceptable rules and procedures, it is the responsibility of each and every Board member to voice his/her/their opposition to any action that runs counter-indicative to its rules of policies and procedures, and if so stated, it should be reflected in the Minutes of the meeting of the Board of Commissioners in the event a majority of the Board takes action in opposition to these rules and policies. It shall also be the responsibility of each and every Board member, if, upon discovering that actions have taken place that are against the established and accepted laws governing the operation of the district as well as any local, county, state and federal law, to immediately notify the appropriate authority of said action or actions.

Any Board Commissioner or employee that is bonded on behalf of the district due to the handling of currency, shall be expected to perform their duties faithfully. Should he/she knowingly or willfully fail, neglect or refuse to perform any duty required of him/her by law or violate his/her official obligations in any request, the Board of Commissioners or any agency that has jurisdiction in said violation shall cause suit to be brought on the bond for the recovery of the damages that may have been sustained (*Miss. Code Ann. § 25-1-45, as amended*).

It is the intent of West Madison Utility District that active leadership on the part of the Board and its representatives ensures successful implementation of its policies and continual improvement of its water and sewer system.

REMOVAL OF A BOARD MEMBER - If a member of the Board misses six (6) or more of the meetings of the West Madison Utility District during a calendar year, except for absences caused by required military duty or work related causes, or another acceptable cause of action acceptable to the remaining Board members, the other Board members may ask the member to resign and allow for the appointment of someone who can regularly attend its meetings.

Board members shall be removed from office for knowingly or willfully failing, neglecting, or refusing to perform any of the duties required of such officer by law (*Miss. Code Ann. §25-5-5, as amended*).

ADMINISTRATION IN POLICY ABSENCE - In cases where action must be taken for the daily operation of West Madison Utility District where the Board of Commissioners has provided no guidance

for administrative action, the Operator shall have power to act, but his/her/its decisions shall be subject to review by the Board at its regular meeting. It shall be the duty of the Operator to inform the Board promptly of such action and of the need for policy.

BOARD MEMBERS: MEMBERSHIPS AND RESPONSIBILITIES –

Bonds and Oath of Office - Every Board member shall be bonded, with each bond renewed annually, and all bonds and renewal and extension of bonds, shall be filed for record in the office of the Chancery Clerk of Madison County, Mississippi. Each Board Commissioner shall take and subscribe to an oath of office prescribed in *Section 28, Mississippi Constitution of 1890*, before the clerk of the Board of Supervisors that the person will faithfully discharge the duties of the office of commissioner, which oath shall be filed with the clerk and preserved with the official bond (*Miss. Code Ann. § 19-5-171, as amended*). Bonds shall be issued in accordance with *Miss. Code Ann. § 25-1-13 - §25-1-33, §25-1-41, as amended*.

Should a Board member begin attending meetings prior to taking the Oath of Office, his/her actions, pursuant to *Miss. Code Ann. §25-1-3, as amended*, are acts of a de facto officer and are considered valid even though he/she never entered the office de jure. Such Board member, however, is not entitled to receive a per diem for their services (*Miss. Code Ann. §25-1-37 as amended*). The Board member shall be required to take the Oath of Office as soon as possible by going to the Madison County Chancery Clerk's Office in Canton, Mississippi and executing said Oath, which is then filed for record in the office of the Chancery Clerk.

Mississippi Rural Water Association Board Member Training - Every Board member is required to attend a Board Member Training Class offered by Mississippi Rural Water Association within one (1) year of appointment. This is a requirement established by the State of Mississippi Department of Health. A copy of the attendance certificate for each Board member shall be kept on file in the office of West Madison Utility District. Effective July 1, 2020, *Section 41-26-101 of the Miss Code Ann.* also states that two officers of each board shall also obtain an additional four (4) hours of updated and advanced training within a four-year period. If one of the officers is not able to attend the training, then he/she may appoint someone from among the existing board to attend in his place; however, the board member attending this training must have first completed the eight (8) hours of management training. This training shall consist of, but not be limited to, updated regulatory rules and regulations, an in-depth look at the Mississippi Nonprofit Corporation Act as well as any updated information that would aid them in making decisions for their utility system.

Madison County Wastewater Authority Membership - West Madison Utility District is a member of Madison County Wastewater Authority ("MCWA"), a political subdivision of the State of Mississippi pursuant to Chapter 962 Local and Private Laws, 2001, created by virtue of House Bill No. 1640 during the Regular Session of the Mississippi Legislature 2001. The Service Agreement for the Transportation and Treatment of Wastewater Between Members and Madison County Wastewater Authority was executed by its members, which includes West Madison Utility District. This Agreement contains a requirement of an annual payment from each member to cover administrative costs of MCWA, to be paid in twelve equal installments (once a month) based on the number of sewer customers. Fees are calculated by MCWA at the end of each year in order to determine the amount of the following year's annual payment (again broken down into the twelve monthly payments). West Madison Utility District must also designate one of its Board members as its representative on the MCWA Board, and the selected Board member attends the MCWA Board meetings and acts on behalf of West Madison Utility District as a member of the Board of MCWA.

Mississippi Rural Water Association - West Madison Utility District is a member of the Mississippi Rural Water Association (MsRWA) and as such, it pays an annual membership fee, which, in turn, grants West Madison Utility District access to, and the support of, an organization that benefits rural water districts within the State of Mississippi. Board members are notified of the training classes offered by MsRWA, as well as programs available to assist utility companies and its customers. The annual fee billed by MsRWA is based on the number of water customers and the number of sewer customers.

Banking Account Requirements - As long as West Madison Utility District has outstanding loans to the Department of Agriculture, Office of Rural Development, it shall submit annual reports in a timely manner (January through December of each year due by February 28th of the following year); and shall also maintain banking accounts as follows: Debt Service Asset Reserve Account (DSA), with a minimum balance to cover one year's worth of payments to the Office of Rural Development for any and all outstanding loans; and a Short Lived Assets Reserve Account (SLAR) which shall have ongoing monthly deposits made in order that these funds can be used in order to maintain the water/sewer system. Minimum deposits shall be dictated by the Office of Rural Development.

West Madison Utility District shall maintain a Short Lived Assets Reserve Account (SLAR), even after its debts to the Office of Rural Development are paid in full as it has resolved that continuously making deposits into this account for use in maintaining its system is a needed procedure to ensure the viability of the district.

In addition to the hereinabove banking accounts, West Madison Utility District shall maintain separate banking accounts for the following: past customer deposits (for refunds of past deposits only as it no longer accepts deposits from customers); a meter account that contained some left over grant funds to be used specifically for the purchase of new water meters; a community center account for all community center income/expenses and an operating account in which all other income/expenses are handled. If West Madison Utility District has employees, it shall maintain a payroll account from which any employee pay, employee federal and state taxes are paid.

Should West Madison Utility District obtain future loan/grant funds in order to perform specific projects, and should those disbursements fall under the purview and control of West Madison District Board of Commissioners, it shall be the responsibility of the Treasurer to establish an additional account for such funds in order that draws for the completion of the required projects can be noted as separate expenses on the monthly end of the month reports submitted to the Board for review.

Reports - West Madison Utility District is also responsible for submitting any and all required Health Department and Department of Environmental Quality reports in a timely manner, and copies of all reports shall be kept in the appropriate office files. All water quality reports shall be kept in the appropriate files in the office. The Operator will work with the Board of Commissioners in filling in all required forms and reports as his/her knowledge will be required in answering the majority of information needed.

It is a federal requirement that West Madison Utility District provide the results of its annual Consumer Confidence Report (CCR) to its customers and the Bureau of Public Water Supply, Mississippi State Department of Health, by July 1st each year. The CCR must contain information as to the quality of water delivered by the system and characterize the risks, if any, from exposure to contaminants detected in the drinking water in an accurate and understandable manner. In addition to providing the results as listed hereinabove, West Madison Utility District also posts the most recent CCR on a bulletin board in its office.

As long as West Madison Utility District has outstanding loans to the Department of Agriculture, Office of Rural Development, it shall submit annual reports in a timely manner (January through December of each year due by February 28th of the following year); a year end accounting of its income/expenses and also a budget for the current year.

The Emergency Response Plan shall be reviewed and updated annually and the Emergency Contact List will be updated within this plan.

The Security Vulnerability Self-Assessment Guide for Water Systems shall be reviewed and updated annually.

For any Department of Health and Department of Environmental Quality reports that must be submitted online, the Operator will be expected to provide West Madison Utility District with a copy of said reports.

ACCOUNTABILITY - West Madison Utility District shall appoint an operator, engineer, accountant and attorney. These entities/persons shall not be related to any member of the Board of Commissioners nor any employee (see Nepotism Clause), and shall be licensed in their specific field of service. Appointment of persons in these fields are a necessity in order to advise the Board of appropriate and necessary actions, and to assist with the operation of the water and sewer district.

The end of the month RVS reports shall be submitted by the billing agency to the Board of Commissioners. These reports shall agree with the deposit records submitted by the Treasurer to the accountant/C.P.A. If a discrepancy occurs, it shall be noted immediately to the Board of Commissioners and an investigation of the discrepancy will ensue. All meter reading sheets shall be kept of record as well as all RVS reports and banking statements, etc., in the office of West Madison Utility District. In the event that any discrepancies are noted, it shall be brought immediately to the attention of the Board of Commissioners. It is incumbent upon the Board of Commissioners to ensure accurate and reliable accounting and operation information. Therefore, the Board will require all meter readings, billing, payments, etc., to be in agreement and ensure compliance with laws, regulations, and policies.

West Madison Utility District shall cause an additional oversight audit to be performed at least once every two years wherein the accountant will review meter sheets, RVS reports, banking information, etc., and ensure that the customers are being billed based on West Madison Utility District's adopted rates, and also that the meter readings match in the billing system (accountant should already have the data that the income from the banking statements match the RVS billing reports each month). If the accountant notes a discrepancy, it shall immediately be brought to the attention of the West Madison Utility District's Board of Commissioners.

The financial records and statements of West Madison Utility District will be kept and presented in accordance with generally accepted accounting principles in the United States of America. Generally accepted accounting principles for State and local governments are derived from the official pronouncements of the Governmental Accounting Standards Board (GASB). On June 30, 1999, the Governmental Accounting Standards Board approved GASB Statement No. 34, Basic Financial Statements and Management's Discussion and Analysis – for State and Local Governments. This statement describes the minimum set of financial statements, note disclosures and required supplementary information that must be presented in a financial report for an independent auditor to assert, without qualification or further comment, that a government's financial statements are fairly presented in conformity with general accepted accounting principles (GAAP).

It shall be the duty of the West Madison Utility District Board of Commissioners to limit the expenditure of its funds during the fiscal year to the resources available. It shall be unlawful for the West Madison Utility District to budget expenditures from a fund in excess of the resources available within that fund. Furthermore, it shall be unlawful for any contract to be entered into or any obligation incurred or expenditure made in excess of the resources available for such fiscal year. Any member of West Madison Utility District's Board of Commissioners who shall knowingly enter into any contract, incur any obligation, or make any expenditure in excess of the amount available for the fiscal year shall be personally liable for the amount of such excess. However, no Board Commissioner shall be personally liable for claims, damages, awards or judgments, on account of any wrongful or tortious act or omission or breach of implied term or condition of any warranty or contract; provided, however, that the foregoing immunity provisions shall not be a defense in cases of fraud, criminal action or an intentional breach of fiduciary obligations imposed by statute.

It is incumbent upon the Board of Commissioners of West Madison Utility District to enact policy that will eliminate waste, abuse, occupational fraud, and asset misappropriation. It shall protect its resources to the best of its ability against waste, fraud, abuse and inefficiency. It is further incumbent upon the Board of Commissioners to be familiar with the law and requirements that regulate the workings of a utility district, and said Board of Commissioners shall rely upon the expertise of its appointed experts to advise it in that respect so as to eliminate any issues regarding compliance.

Customer applications shall contain personal information of the customers of West Madison Utility District, i.e., social security numbers, banking information, copy of driver's license, employer, etc., and as such shall be kept in a safe and secure location.

OPERATING PROCEDURE FOR PAYMENTS/PURCHASE ORDERS/ACCOUNTING -

Whenever a payment is to be made by West Madison Utility District for items or outside services required to repair a water/sewer line, a purchase order shall be issued in the name of the provider. For water/sewer repairs, the purchase order shall contain the date, the location of the issue/problem, an itemized list if the repair requires multiple parts, and whether the repair and/or items pertain to water expense or sewer expense. Purchase orders shall be issued for the purchase of supplies, and/or for any other item(s) or service in which a check shall be issued for payment by the district. When the invoice is received in the West Madison Utility District office, it shall be given to the Treasurer of the Board of Commissioners, who shall make full and prompt payment of same, and said Treasurer shall put a notation on said invoice of the check number and date it was issued.

For emergency purchases, the Treasurer may issue payment prior to the issuance of a purchase order, but a purchase order shall be issued as soon as possible afterward that identifies the item(s)/services as noted hereinabove.

It is the responsibility of the Treasurer of the Board of Commissioners to provide all banking data to the accountant/cpa so that an end of month report can be generated for review by the Board of Commissioners.

It shall be the responsibility of the billing department to provide end of the month RVS reports to the Board of Commissioners that reflect the overall end of the month billing, payments, water system usage, etc., as well as a monthly report regarding actions taken on behalf of West Madison Utility District and the location and number of water meters replaced each month.

The Board of Commissioners of West Madison Utility District shall carry out its decisions in agreement and compliance with all federal, state and local laws.

OPERATOR CERTIFICATION - As the Operator is a contracted employee of West Madison Utility District, he/she/it shall be required to submit a certificate of liability, with any renewal of same to be provided to the district. The Operator shall also provide a copy of his current certification (water and sewer) as well as any renewal of said certification for West Madison Utility District's files.

FIXED ASSETS MANAGEMENT – West Madison Utility District, as a part of the continuing effort to enhance accountability and control of expenditures as well as to increase operating efficiency, has established a comprehensive Fixed Asset Management System. Fixed assets are those assets of a long-term nature intended to be held or used by West Madison Utility District. This definition includes mobile equipment, furniture and equipment, land, buildings, improvements other than buildings, construction in progress, and leased property under capital leases.

The importance of developing and maintaining a complete and accurate accounting of fixed assets cannot be emphasized too strongly. The value of fixed assets for West Madison Utility District is substantial and usually far greater in value than current assets. When records are not adequate, an audit opinion will be qualified for fixed assets, which means the auditor does not have enough evidence to offer an opinion. Throughout the year, West Madison Utility District will inform its accountant and its insurance carrier of assets that are acquired as well as assets that are declared surplus and removed. West Madison Utility District will also conduct asset verification checks.

West Madison Utility District shall contact its insurance carrier to update its insurance coverage policy and its accountant/CPA regarding removal of equipment as well as the purchase of, or acquisition of, other supplies/equipment as well as its purchase price and/or value.

Deletion and removal of equipment/fixed assets shall be accomplished in accordance with *Miss. Code Ann. § 19-7-3 and §19-7-5, as amended*. Stolen property shall be reported to the Sheriff's Office.

ACQUISITION OF EQUIPMENT/ASSETS – West Madison Utility District is required to have a bidding procedure, or obtain quotes, for purchases in amounts more than \$5,000.00, exclusive of freight of shipping charges. For purchases over \$5,000.00 but less than \$50,000.00, exclusive of freight and shipping charges, West Madison Utility District may take the lowest and best bidder without publishing or posting advertisement for bids, provided at least two (2) competitive written bids have been obtained. Penalties may be imposed by law for any act or omission of West Madison's designee, constituting a violation of law in accepting any bid without approval by West Madison Utility District. The term "competitive written bid" shall mean a bid submitted on a vendor's letterhead or identifiable bid form and signed by authorized personnel representing the vendor. "Competitive" shall mean that the bids are developed based upon comparable identification of the needs and are developed independently and without knowledge of other bids or prospective bids. Any bid item for construction in excess of Five Thousand Dollars (\$ 5,000.00) shall be broken down by components to provide detail of component description and pricing. These details shall be submitted with the written bids and become part of the bid evaluation criteria. Bids may be submitted by facsimile, electronic mail or other generally accepted method of information distribution. Bids submitted by electronic transmission shall not require the signature of the vendor's representative.

For purchases that involve an expenditure of more than Fifty Thousand Dollars (\$ 50,000.00), exclusive of freight and shipping charges, West Madison Utility District may accept the bid from the lowest and best bidder after advertising for competitive bids once each week for two (2) consecutive weeks in the Madison County Herald. West Madison Utility District will designate the method by which bids will be received including, but not limited to, bids sealed in an envelope, bids received electronically in a secure system, bids received via a reverse auction, or bids received by any other method that promotes open competition. reverse auction shall not be used for any public contract for design or construction of public facilities, including buildings, roads and bridges.

1. American Recovery and Reinvestment Projects - All American Recovery and Reinvestment Act projects in excess of Twenty-five Thousand Dollars (\$ 25,000.00) shall be bid. All references to American Recovery and Reinvestment Act projects in this section shall not apply to programs identified in Division B of the American Recovery and Reinvestment Act.

The date as published for the bid opening shall not be less than seven (7) working days after the last published notice; however, if the purchase involves a construction project in which the estimated cost is in excess of Fifty Thousand Dollars and no/100 Dollars (\$50,000.00), such bids shall not be opened in less than fifteen (15) working days after the last notice is published and the notice for the purchase of such construction shall be published once each week for two (2) consecutive weeks.

All American Recovery and Reinvestment Act projects in excess of Twenty-five Thousand Dollars (\$ 25,000.00) shall be bid. For any projects in excess of Twenty-five Thousand Dollars (\$ 25,000.00) under the American Recovery and Reinvestment Act, publication shall be made one (1) time and the bid opening for construction projects shall not be less than ten (10) working days after the date of the published notice. The notice of intent to let contracts or purchase equipment shall state the time and place at which bids shall be received, list the contracts to be made or types of equipment or supplies to be purchased, and, if all plans and/or specifications are not published, refer to the plans and/or specifications on file. Publication shall be once each week for two (2) consecutive weeks in the Madison County Herald. On the same date that the notice is submitted to the newspaper for publication, West Madison Utility District shall mail written notice to, or provide electronic notification to the main office of the Mississippi Procurement Technical Assistance Program under the Mississippi Development Authority that contains the same information as that in the published notice. Submissions received by the Mississippi Procurement Technical Assistance Program for projects funded by the American Recovery and Reinvestment

Act shall be displayed on a separate and unique Internet Web page accessible to the public and maintained by the Mississippi Development Authority for the Mississippi Procurement Technical Assistance Program. Those American Recovery and Reinvestment Act related submissions shall be publicly posted within twenty-four (24) hours of receipt by the Mississippi Development Authority and the bid opening shall not occur until the submission has been posted for ten (10) consecutive days. The Department of Finance and Administration shall maintain information regarding contracts and other expenditures from the American Recovery and Reinvestment Act, on a unique Internet Web page accessible to the public. The Department of Finance and Administration shall promulgate rules regarding format, content and deadlines, unless otherwise specified by law, of the posting of award notices, contract execution and subsequent amendments, links to the contract documents, expenditures against the awarded contracts and general expenditures of funds from the American Recovery and Reinvestment Act. Within one (1) working day of the contract award, West Madison Utility District shall post to the designated Web page maintained by the Department of Finance and Administration, notice of the award, including the award recipient, the contract amount, and a brief summary of the contract in accordance with rules promulgated by the department. Within one (1) working day of the contract execution, West Madison Utility District shall post to the designated Web page maintained by the Department of Finance and Administration a summary of the executed contract and make a copy of the appropriately redacted contract documents available for department. The information provided by West Madison Utility District shall be posted to the Web page for the duration of the American Recovery and Reinvestment Act funding or until the project is completed, whichever is longer.

2. Bid Amendments - If all plans and/or specifications are published in the notification, then the plans and/or specifications may not be amended. If all plans and/or specifications are not published in the notification, then amendments to the plans/specifications, bid opening date, bid opening time and place may be made, provided that West Madison Utility District maintains a list of all prospective bidders who are known to have received a copy of the bid documents and all such prospective bidders are sent copies of all amendments. This notification of amendments may be made via mail, facsimile, electronic mail or other generally accepted method of information distribution. No addendum to bid specifications may be issued within two (2) working days of the time established for the receipt of bids unless such addendum also amends the bid opening to a date not less than five (5) working days after the date of the addendum.
3. Requirement Before Publication - Before the notice shall be published or posted, the plans or specifications for the construction or equipment being sought shall be filed with West Madison Utility District's Board of Commissioners. In addition to these requirements, a bid file shall be established which shall indicate those vendors to whom such solicitations and specifications were issued, and such file shall also contain such information as is pertinent to the bid.
4. Specification Restrictions - Specifications pertinent to such bidding shall be written so as not to exclude comparable equipment of domestic manufacture. However, if valid justification is presented, the Department of Finance and Administration or the Board of Commissioners of West Madison Utility District may approve a request for specific equipment necessary to perform a specific job. Further, such justification, when placed on the minutes West Madison Utility District, may serve as authority for West Madison Utility District to write specifications to require a specific item of equipment needed to perform a specific job.

Specifications for construction projects may include an allowance for commodities, equipment, furniture, construction materials or systems in which prospective bidders are instructed to include in their bids specified amounts for such items so long as the allowance items are acquired by the vendor in a commercially reasonable manner and approved by West Madison Utility District. Such acquisitions shall not be made to circumvent the public purchasing laws.

West Madison Utility District may establish secure procedures by which bids may be submitted via electronic means.

5. Decision Procedure - Purchases may be made from the lowest and best bidder. In determining the lowest and best bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions and other relevant provisions may be included in the best bid calculation. All best bid procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. If West Madison Utility District accepts a bid other than the lowest bid actually submitted, it shall place on its minutes detailed calculations and narrative summary showing that the accepted bid was determined to be the lowest and best bid, including the dollar amount of the accepted bid and the dollar amount of the lowest bid. West Madison Utility District shall accept not a bid based on items not included in the specifications.

In addition to the decision procedure set forth hereinabove, West Madison Utility District may also use the following procedure: Purchases may be made from the bidder offering the best value. In determining the best value bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions, documented previous experience, training costs and other relevant provisions may be included in the best value calculation. This provision shall authorize West Madison Utility District to utilize a Request For Proposals (RFP) process when purchasing commodities. All best value procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. West Madison Utility District shall not accept a bid based on items or criteria not included in the specifications.

If the lowest and best bid is not more than ten percent (10%) above the amount of funds allocated for a public construction or renovation project, then West Madison Utility District shall be permitted to negotiate with the lowest bidder in order to enter into a contract for an amount not to exceed the funds allocated.

6. Lease Purchase Authorization - For the purposes of this section, the term "equipment" shall mean equipment, furniture and, if applicable, associated software and other applicable direct costs associated with the acquisition. Any lease-purchase of equipment which an agency is not required to lease-purchase under the master lease-purchase program pursuant to § 31-7-10 and any lease-purchase of equipment which West Madison Utility District elects to lease-purchase may be acquired by a lease-purchase agreement under this paragraph. Lease-purchase financing may also be obtained from the vendor or from a third-party source after having solicited and obtained at least two (2) written competitive bids for such financing without advertising for such bids. Solicitation for the bids for financing may occur before or after acceptance of bids for the purchase of such equipment or, where no such bids for purchase are required, at any time before the purchase thereof. No such lease-purchase agreement shall be for an annual rate of interest which is greater than the overall maximum interest rate to maturity on general obligation indebtedness permitted under § 75-17-101, and the term of such lease-purchase agreement shall not exceed the useful life of equipment covered thereby as determined according to the upper limit of the asset depreciation range (ADR) guidelines for the Class Life Asset Depreciation Range System established by the Internal Revenue Service pursuant to the United States Internal Revenue Code and regulations thereunder as in effect on December 31, 1980, or comparable depreciation guidelines with respect to any equipment not covered by ADR guidelines. Any lease-purchase agreement entered into pursuant to this paragraph may contain any of the terms and conditions which a master lease-purchase agreement may contain under the provisions of § 31-7-10(5), and shall contain an annual allocation dependency clause substantially similar to that set forth in § 31-7-10(8). West Madison Utility District shall maintain with respect to each such lease-purchase transaction the same information as required to be maintained by the Department of Finance and Administration pursuant to § 31-7-10(13). West Madison Utility District cannot and shall not acquire items of equipment with a total acquisition cost in the aggregate of less than Ten Thousand Dollars (\$ 10,000.00) by a single lease-purchase transaction. All equipment, and the purchase thereof by any lessor, acquired by lease-purchase under this paragraph and all lease-purchase payments with respect thereto shall be

exempt from all Mississippi sales, use and ad valorem taxes. Interest paid on any lease-purchase agreement herein shall be exempt from State of Mississippi income taxation.

7. Alternate Bid Authorization - When necessary to ensure ready availability of commodities for public works and the timely completion of public projects, no more than two (2) alternate bids may be accepted by West Madison Utility District for commodities. No purchases may be made through use of such alternate bids procedure unless the lowest and best bidder cannot deliver the commodities contained in his bid. In that event, purchases of such commodities may be made from one (1) of the bidders whose bid was accepted as an alternate.
8. Construction Change Authorization - In the event a determination is made by West Madison Utility District after a construction contract is let that changes or modifications to the original contract are necessary or would better serve the purpose of West Madison Utility District, it may, in its discretion, order such changes pertaining to the construction that are necessary under the circumstances without the necessity of further public bids; provided that such change shall be made in a commercially reasonable manner and shall not be made to circumvent the public purchasing statutes. In addition to any other authorized person, the architect or engineer hired by West Madison Utility District with respect to any public construction contract shall have the authority to authorize changes or modifications to the original contract without the necessity of prior approval of West Madison Utility District when any such change or modification is less than one percent (1%) of the total contract amount. West Madison Utility District may limit the number, manner or frequency of such emergency changes or modifications.
9. Petroleum Purchases Less Than \$5,000.00 - In addition to other methods of purchasing authorized, when West Madison Utility District shall have a need for gas, diesel fuel, oils and/or other petroleum products in excess of the amounts mentioned hereinabove, it may purchase the commodity after having solicited and obtained at least two (2) competitive written bids. In the event no acceptable bids can be obtained, West Madison Utility District is authorized and directed to enter into any negotiations necessary to secure the lowest and best contract available for the purchase of such commodities.
10. Emergency Purchase Procedure - If West Madison Utility District determines that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interest of West Madison Utility District, then the provisions herein for competitive bidding shall not apply and any officer or agent of West Madison Utility District having general or special authority therefor in making such purchase or repair shall approve the invoice/bill presented therefor, and he shall certify in writing thereon from whom such purchase was made, or with whom such a repair contract was made. At the board meeting next following the emergency purchase or repair contract, documentation of the purchase or repair contract, including a description of the commodity purchased, the price thereof and the nature of the emergency shall be presented to the Board of Commissioners and shall be placed on the minutes of West Madison Utility District.
11. Exceptions from Bidding Requirements – 1) Purchasing agreements, contracts and maximum price regulations executed and approved by the Department of Finance and Administration; 2) Repairs to equipment which such repairs are made by repair facilities in the private sector, however, engines, transmissions, rear axles and/or other such components shall not be included in this exemption when replaced as a complete unit instead of being repaired and the need for such total component replacement is known before disassembly of the component; however, invoices identifying the equipment, specific repairs made, parts identified by number and name, supplies used in such repairs, and the number of hours of labor and costs therefor shall be required for the payment of such repairs; 3) purchases for parts for repairs to equipment when such repairs are made by personnel of West Madison Utility District; however entire assemblies such as engines or transmissions shall not be included in this exemption when the entire assembly is being replaced instead of repaired; 4) raw unprocessed deposits of gravel or fill dirt which are to be removed and transported by the purchaser; 5) motor vehicles or other

equipment from a federal agency or authority, another governing authority or state agency of the State of Mississippi, or any governing authority or state agency of another state at a public auction held for the purpose of disposing of such vehicles or other equipment by requiring advance authorization spread upon the minutes that includes the listing of the item or items authorized to be purchased and the maximum bid authorized to be paid for each item or items; 6) dispose of and/or purchase commodities from other governmental entities at a price that is agreed to by both parties. This shall allow for purchases and/or sales at prices which may be determined to be below the market value if the selling entity determines that the sale at below market value is in the best interest of the taxpayers of the state. Governing authorities shall place the terms of the agreement and any justification on the minutes, and state agencies shall obtain approval from the Department of Finance and Administration, prior to releasing or taking possession of the commodities 7) purchases, sales or trade by and between governmental agencies by private treaty agreement, or through means of negotiation and the terms of the agreement and any justification on the minutes; 8) non-competitive items available from one source only (reference §31-7-13 (m)(viii)); 9) construction of incinerators and other facilities for disposal of solid wastes in which products either generated therein, such as steam, or recovered therefrom, such as materials for recycling, are to be sold or otherwise disposed of (reference §37-7-13(m)(ix)); 10) purchases of information technology product under the provisions of purchase schedules, or contracts executed or approved by the Mississippi Department of Information Technology Services and designated for use by governing authorities; 11) purchases of unmarked vehicles when such purchases are made in accordance with purchasing regulations adopted by the Department of Finance and Administration pursuant to § 31-7-9(2); 11) energy efficiency services acquired on a shared-savings, lease or lease-purchase basis pursuant to §31-7-14; 12) contracts for garbage collection or disposal, contracts for solid waste collection or disposal and contracts for sewage collection or disposal; 12) certain purchases under the Mississippi Major Economic Impact Act pursuant to provisions §57-75-9(2), (3) and (4); 12) purchases made pursuant to qualified cooperative agreements previously approved by the Office of Purchasing and Travel, provided that the notification to potential contractors includes a clause that sets forth the availability of the cooperative purchasing agreement to other governmental entities; 13) contracts entered into §37-7-13.1, 37-101-44, or 65-1-85; 14, 57-1-221, and 14) transfers of public property and/or facilities and construction related to same under §57-105-1(7).

12. Length of Term Regarding Contracts – 1) Contracts for the purchase of commodities, equipment and public construction (including, but not limited to repair and maintenance) may be let for periods of not more than sixty (60) months in advance, subject to applicable provisions prohibiting the letting of contracts during specified periods near the end of terms in office. Term contracts for a period exceeding 24 months shall also be subject to ratification or cancellation by governing authority boards taking office subsequent to the governing board entering the contract; and 2) Bid proposals and contracts may include price adjustment clauses with relation to the cost to the contractor based upon a nationally published industry-wide or nationally published and recognized cost index. The cost index used in a price adjustment clause shall be determined by the Department of Finance and Administration for the state agencies and by the governing board for governing authorities. The bid proposal and contract documents utilizing a price adjustment clause shall contain the basis and method of adjusting unit prices for the change in the cost of such commodities, equipment and public construction.
13. Purchase Law Violation and Vendor Penalty - No contract or purchase shall be made for the purpose of circumventing the provisions requiring competitive bids, nor shall it be lawful for any person or concern to submit individual invoices for amounts within those authorized for a contract or purchase where the actual value of the contract or commodity purchased exceeds the authorized amount and the invoices therefor are split so as to appear to be authorized as purchases for which competitive bids are not required. Submission of such invoices shall constitute a misdemeanor punishable by a fine of not less than Five Hundred Dollars (\$ 500.00) nor more than One Thousand Dollars (\$ 1,000.00), or by imprisonment for thirty (30) days in the county jail, or both such fine and imprisonment. In addition, the claim or claims submitted shall be forfeited.

14. Fuel Management System Bidding - Before contracting for the services and products of a fuel management or fuel access system, enter into negotiations with not fewer than two (2) sellers of fuel management or fuel access systems for competitive written bids to provide the services and products for the systems. In the event it cannot locate two (2) sellers of such systems or cannot obtain bids from two (2) sellers of such systems, it shall show proof that it made a diligent, good-faith effort to locate and negotiate with two (2) sellers of such systems. Such proof shall include, but not be limited to, publications of a request for proposals and letters soliciting negotiations and bids. a fuel management or fuel access system is an automated system of acquiring fuel for vehicles as well as management reports detailing fuel use by vehicles and drivers. West Madison Utility District shall be exempt from this process when contracting for the services and products of fuel management or fuel access systems under the terms of a state contract established by the Office of Purchasing and Travel.
15. Solid Waste Contract Procedure - Before entering into any contract for garbage collection or disposal, contract for solid waste collection or disposal or contract for sewage collection or disposal, which involves an expenditure of more than Fifty Thousand Dollars (\$ 50,000.00), West Madison Utility District shall issue publicly a request for proposals concerning the specifications for such services. Any request for proposals when issued shall contain terms and conditions relating to price, financial responsibility, technology, legal responsibilities and other relevant factors as are determined by West Madison Utility District to be appropriate for inclusion; all factors determined relevant by West Madison Utility District shall be duly included in the advertisement to elicit proposals. After responses to the request for proposals have been duly received, West Madison Utility District shall select the most qualified proposal or proposals on the basis of price, technology and other relevant factors and from such proposals, but not limited to the terms thereof, negotiate and enter into contracts with one or more of the persons or firms submitting proposals. If the governing authority or agency deems none of the proposals to be qualified or otherwise acceptable, the request for proposals process may be reinitiated. Notwithstanding any other provisions of this paragraph, where a county with at least thirty-five thousand (35,000) nor more than forty thousand (40,000) population, according to the 1990 federal decennial census, owns or operates a solid waste landfill, the governing authorities of any other county or municipality may contract with the governing authorities of the county owning or operating the landfill, pursuant to a resolution duly adopted and spread upon the minutes of each governing authority involved, for garbage or solid waste collection or disposal services through contract negotiations.
16. Construction Punch List Restriction - The architect, engineer or other representative designated by West Madison Utility District that is contracting for public construction or renovation may prepare and submit to the contractor only one (1) preliminary punch list of items that do not meet the contract requirements at the time of substantial completion and one (1) final list immediately before final completion and final payment.
17. Insurability of Bidders - In any solicitation for bids to perform public construction or other public contracts to which this section applies including, but not limited to, contracts for repair and maintenance, for which the contract will require insurance coverage in an amount of not less than One Million Dollars (\$ 1,000,000.00), bidders shall be permitted to either submit proof of current insurance coverage in the specified amount or demonstrate ability to obtain the required coverage amount of insurance if the contract is awarded to the bidder. Proof of insurance coverage shall be submitted within five (5) business days from bid acceptance.

Nothing herein shall be construed as authorizing any purchase not authorized by law.
(Reference *Miss. Code Ann. §31-7-13, as amended*).

ASSET VALUATION - All purchased assets will be valued at historical cost (price paid for the asset) or the estimated historical cost if the actual historical cost is not available. The value of purchased assets

shall include not only the price paid for the asset but also any cost required to get the asset in place and in a useable condition. These costs shall include, but not be limited to, architect fees, cost of removing old asset, installation costs, etc.

All donated assets will be valued at fair market value at the time of donation. The donor shall provide the fair market of donated assets at the time of donation, and the value will be spread upon the minutes of West Madison Utility District.

Assets shall be subject to depreciation. Such depreciation shall be calculated using the straight-line method. Depreciation reporting shall be subject to GASB 34 guidelines.

DISPOSAL OF FIXED ASSETS - Fixed assets property that are not being used, or are obsolete and/or beyond repair shall be disposed of by making a list of same and placing them on the agenda for Board meetings. These disposals shall be Board approved and noted in the Minutes. If it is discovered that an item has been stolen or has disappeared, it shall be so noted within Board Minutes, and, if necessary, a report shall be filed with the Madison County Sheriff's office. Reports shall be filed with the Madison County Sheriff's office if the item missing/stolen is of a value sufficient enough to warrant said filing. West Madison Utility District shall notify its accountant and its insurance carrier of the disposal of an asset in order to have it removed from its inventory of assets. Assets must be disposed of in accordance with State of Mississippi law, governing public entities, as follows:

Disposal of Personal Property -

(1) General. The governing authority of a county or municipality may sell or dispose of any personal property or real property belonging to the governing authority when the property has ceased to be used for public purposes or when, in the authority's judgment, a sale thereof would promote the best interest of the governing authority. For purposes of this section, the term "personal property," includes, but is not limited to, equipment, vehicles, fixtures, furniture, firearms and commodities.

(2) Public sale. At least ten (10) days before bid opening, the governing authority shall advertise its acceptance of bids by posting notices at three (3) public places located in the county or municipality that the governing authority serves. One (1) of the three (3) notices shall be posted at the governing authority's main office. The governing authority may designate the manner by which the bids will be received, including, but not limited to, bids sealed in an envelope, bids made electronically or bids made by any other method that promotes open competition. The proceeds of the sale shall be placed in a properly approved depository to the credit of the proper fund.

(3) Private sale. Where the personal property does not exceed One Thousand Dollars (\$ 1,000.00) in value, the governing authority, by a unanimous approval of its members, may sell or dispose of the property at a private sale. The proceeds of the sale shall be placed in a properly approved depository to the credit of the proper fund.

(4) Public auction. The governing authority of a county or municipality may sell or dispose of any surplus personal or real property at a public auction that shall be conducted by an auctioneer or auction company that meets the standards established by the State Department of Audit and is hired by the governing authority of a county or municipality.

(5) If the governing authority finds that the fair market value of the personal property or real property is zero and this finding is entered on the minutes of the authority, then the governing authority may dispose of such property in the manner it deems appropriate and in its best interest, but no official or employee of the governing authority shall derive any personal economic benefit from such disposal.

(6) If the property may be of use or benefit to any federal agency or authority, another governing authority or state agency of the State of Mississippi, or a state agency or governing authority of another state, it may be disposed of in accordance with § 31-7-13(m)(vi).

(7) Nothing contained in this section shall be construed to prohibit, restrict or to prescribe conditions with regard to the authority granted under § 17-25-3 or under § 37-7-551. The provisions of this section shall not apply to any equipment disposed of pursuant to trade-in as part of a purchase. SOURCES: Laws, 2012, ch. 499, § 1; Laws, 2013, ch. 364, § 1; Laws, 2015, ch. 339, § 3, eff from and after July 1, 2015.

(Miss. Code Ann. §17-25-25, §19-7-3 and §19-7-5, as amended).

Disposal of Real Estate -

(1) In case any of the real estate belonging to West Madison Utility District shall cease to be used for its purposes, the Board of Commissioners may sell, convey or lease the same on such terms as the Board may elect and may, in addition, exchange the same for real estate belonging to any other political subdivision located within the county. In case of a sale on a credit, West Madison Utility District shall have a lien on the same for the purchase money, as against all persons, until paid and may enforce the lien as in such cases provided by law. The deed of conveyance in such cases shall be executed in the name of West Madison Utility District by the President of the Board of Commissioners, pursuant to an order of the Board entered on its minutes.

(2) (a) Before any lease, deed or conveyance is executed, the Board shall publish at least once each week for three (3) consecutive weeks, in the Madison County Herald, the intention to lease or sell, as the case may be, the West Madison Utility District owned land and to accept sealed competitive bids for the leasing or sale. The Board shall thereafter accept bids for the lease or sale and shall award the lease to the highest bidder in the manner provided by law.

(b) The Board of Commissioners of West Madison Utility District may contract for the professional services of a Mississippi-licensed real estate broker to assist in the marketing and sale or lease of the property for a reasonable commission, consistent with or lower than the market rate, for services rendered to be paid from the sale or lease proceeds.

(3) Whenever the Board of Commissioners shall find and determine, by resolution duly and lawfully adopted and spread upon its minutes (a) that any West Madison Utility District property is no longer needed for its purposes and is not to be used in the operation of the water and sewer services provided by West Madison Utility District,, (b) that the sale of the property in the manner otherwise provided by law is not necessary or desirable for the financial welfare of West Madison Utility District, and (c) that the use of the property for the purpose for which it is to be sold, conveyed or leased will promote and foster the development and improvement of the community in which it is located and the civic, social, educational, cultural, moral, economic or industrial welfare thereof, the Board of Commissioners of West Madison Utility District shall be authorized and empowered, in its discretion, to sell, convey, lease, or otherwise dispose of same for any of the purposes set forth herein.

(4) (a) In addition to such authority as is otherwise granted under this section, the Board of Commissioners, in its discretion, may sell, lease, or otherwise convey property to any person or legal entity without public notice, without having to advertise for and accept competitive bids and without appraisal, with or without consideration, and on such terms and conditions as the parties may agree if the Board of Commissioners of West Madison Utility District finds and determines, by resolution duly and lawfully adopted and spread upon its official minutes:

(i) That the subject property is real property acquired by West Madison Utility District:

1. By reason of a tax sale;
2. Because the property was abandoned or blighted; or
3. In a proceeding to satisfy a West Madison Utility District lien against the property;

(ii) That the subject property is blighted and is located in a blighted area;

(iii) That the subject property is not needed for West Madison Utility District or governmental or related purposes and is not to be used in the operation of the water and sewer district;

(iv) That the sale of the property in the manner otherwise provided by law is not necessary or desirable for the financial welfare of West Madison Utility District; and

(v) That the use of the property for the purpose for which it is to be conveyed will promote and foster the development and improvement of the community in which it is located or the civic, social, educational, cultural, moral, economic or industrial welfare thereof; the purpose for which the property is conveyed shall be stated.

(b) All costs associated with a conveyance under this subsection shall be paid by the person or entity to whom the conveyance is made.

(c) Any deed or instrument of conveyance executed pursuant to the authority granted under this subsection shall contain a clause of reverter providing that title to the property will revert to West Madison Utility District if the person or entity to whom the property is conveyed does not fulfill the purpose for which the property was conveyed and satisfy all conditions imposed on the conveyance within two (2) years of the date of the conveyance.

(d) In any such deed or instrument of conveyance, West Madison Utility District shall retain all mineral rights that it owns, together with the right of ingress and egress to remove same.

(5) Nothing contained in this section shall be construed to prohibit, restrict or to prescribe conditions with regard to the authority granted under § 17-25-3 or § 57-75-37. SOURCES: Codes, 1892, § 304; § 1906, § 323; Hemingway's 1917, § 3696; 1930, § 216; 1942, § 2892; Laws, 1976, ch. 484; Laws, 2003, ch. 483, § 2; Laws, 2004, ch. 400, § 1; Laws, 2005, ch. 315, § 9; Laws, 2007, ch. 579, § 1, eff from and after July 1, 2007. (Miss. Code Ann. §19-7-5, as amended).

CONTRACTS FOR CONSTRUCTION – All construction contracts where the amount of the contract shall exceed ten thousand dollars and no/100 Dollars (\$10,000.00) shall, and construction contracts of less than ten thousand dollars and no/100 (\$10,000.00) may, be made upon at least three (3) weeks' public notice. Such notice shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper published in Madison County having a general circulation therein, i.e., the Madison County Herald. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed in such notice for the receipt of bids, and the last publication shall be made not more than seven (7) days prior to such date. The notice shall state the thing to be done and invite sealed proposals, to be filed with West Madison Utility District. In all such cases, before the notice shall be published, plans and specifications for the work shall be prepared by a registered professional engineer and shall be filed with the West Madison Utility District and there remain. The Board of Commissioners of West Madison Utility District shall award the contract to the lowest responsible bidder who will comply with the terms imposed by such commissioners and enter into bond with sufficient sureties to be approved by the commissioners in such penalty as shall be fixed by the commissioners; however, in no case shall such bond be less than the contract price, conditioned for the prompt, proper efficient performance of the contract. Contracts of less than Ten Thousand Dollars and no/100 (\$10,000.00) may be negotiated; however, the Board of Commissioners shall invite and receive written proposals for the work from at least three (3) contractors regularly engaged in the type of work involved (Miss. Code Ann. § 19-5-199, as amended).

LIABILITY AND TORTS – West Madison Utility District is exempt from liability on claims due to the fact that it has no employees. However, if West Madison Utility District hires employees, it shall be exempt from liability on claims:

1. Arising out of a legislative or judicial action or inaction, or administrative action or inaction of a legislative or judicial nature;
2. Arising out of any act or omission of an employee of West Madison Utility District exercising ordinary care in reliance upon, or in the execution or performance of, or in the failure to execute or perform, a statute, ordinance or regulation, whether or not the statute, ordinance or regulation be valid;
3. Based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of West Madison Utility District whether or not the discretion be abused;
4. Arising out of an injury caused by adopting or failing to adopt a statute, ordinance or regulation;
5. That are limited or barred by the provisions of any other law;
6. Arising out of the exercise of discretion in determining whether or not to seek or provide the resources necessary for the purchase of equipment, the construction or maintenance of facilities, the hiring of personnel and, in general, the provision of adequate services;

7. Arising out of the issuance, denial, suspension or revocation of, or the failure or refusal to issue, deny, suspend or revoke any privilege, ticket, pass, permit, license, certificate, approval, order or similar authorization where West Madison Utility District is authorized by law to determine whether or not such authorization should be issued, denied, suspended or revoked unless such issuance, denial, suspension or revocation, or failure or refusal thereof, is of a malicious or arbitrary and capricious nature;

8. Arising out of the assessment or collection of any tax or fee;

9. Of any claimant who is an employee West Madison Utility District and whose injury is covered by the Workers' Compensation Law of this state by benefits furnished by West Madison Utility District;

10. Under circumstances where liability has been or is hereafter assumed by the United States, to the extent of such assumption of liability, including, but not limited to, any claim based on activities of the Mississippi National Guard when such claim is cognizable under the *National Guard Tort Claims Act of the United States, 32 USCS 715 (32 USCS 715)*, or when such claim accrues as a result of active federal service or state service at the call of the Governor for quelling riots and civil disturbances;

11. Arising out of a plan or design for construction or improvements to public property, including, but not limited to, public buildings, highways, roads, streets, bridges, levees, dikes, dams, impoundments, drainage channels, diversion channels, harbors, ports, wharfs or docks, where such plan or design has been approved in advance of the construction or improvement by the legislative body or governing authority of a governmental entity or by some other body or administrative agency, exercising discretion by authority to give such approval, and where such plan or design is in conformity with engineering or design standards in effect at the time of preparation of the plan or design;

12. Arising out of an injury caused solely by the effect of weather conditions on the use of streets and highways;

13. Arising out of any loss of benefits or compensation due under a program of public assistance or public welfare;

14. Arising out of or resulting from riots, unlawful assemblies, unlawful public demonstrations, mob violence or civil disturbances;

15. Arising out of an injury caused by a dangerous condition on property of West Madison Utility District that was not caused by the negligent or other wrongful conduct of an employee of West Madison Utility District or of which West Madison Utility District did not have notice, either actual or constructive, and adequate opportunity to protect or warn against; provided, however, that West Madison Utility District shall not be liable for the failure to warn of a dangerous condition which is obvious to one exercising due care;

16. Arising out of the absence, condition, malfunction or removal by third parties of any sign, signal, warning device, illumination device, guardrail or median barrier, unless the absence, condition, malfunction or removal is not corrected by West Madison Utility District if it is responsible for its maintenance within a reasonable time after actual or constructive notice.

(Reference *Miss. Code Ann. § 11-46-9, as amended*).

INDEPENDENT CONTRACTORS, CONSULTANTS, AND SERVICE PROVIDERS-

Independent contractors, consultants, and service providers who provide services for West Madison Utility District must:

1. Provide proof of current liability insurance in the minimum amount of one million dollars (\$1,000,000.00), which names West Madison Utility District as an additional insured. Proof of current liability insurance coverage must be on file at the West Madison Utility District's office prior to performing any services.
2. Provide proof that they and their employees have Workers' Compensation Insurance in the minimum amount of five hundred thousand dollars (\$500,000.00) if said contractor, consultant, etc., has more than five (5) employees per the laws of the State of Mississippi. Proof of current insurance coverage must be on file at the West Madison Utility District's office prior to performing any services.

A contractor may submit a waiver request which asks that the requirement(s) of liability insurance and/or Workers' Compensation Insurance be waived, if the following criteria are met:

1. Services provided less than seven (7) times within one (1) fiscal year; and
2. No manual or physical labor is being performed; or
3. Contractor is not otherwise required to carry Workers' Compensation Insurance due to not meeting the State's requirement of the minimum number of employees.

West Madison Utility District shall not discriminate in its policies and practices with respect to compensation, terms or conditions of employment because of an individual's race, color, ethnic or national origin, religion, gender, height, weight, age, marital status, political beliefs, disability, or handicap which does not impair an individual's ability to perform adequately in that individual's particular position or activity.

BOARD MEETINGS AND MINUTES – Board meeting dates will be posted on the door of the office. The Board has set its monthly meetings to be held the second Tuesday of each month at 6:00 p.m. in the Kearney Park Community Center; however, the Board reserves the option to move the meeting to another date should it be determined that a quorum will not be available at its regularly scheduled meeting as well as another location should it become necessary. A majority of the members (three) shall constitute a quorum for the transaction of business. Voting shall be by voice vote unless a show of hands is requested. No vote shall be taken by secret ballot. If the regularly scheduled meeting is changed or the meeting location is changed, a notice will be posted on West Madison Utility District's office door. Special meetings may be held upon the call of the President or upon the call of a majority of the Board of Commissioners and posted within an hour on the office door of West Madison Utility District. The notice will state the reason(s) for the meeting and only that item(s) is(are) to be discussed at that special meeting (*Miss. Code Ann. §25-41-13, as amended*).

The agenda for each Board meeting shall be prepared through a collaborative effort between the Board of Commissioners. Any member of the Board may suggest an item for the agenda. The West Madison Utility District Board of Commissioners shall abide by Robert's Rules of Parliamentary Procedure during its Board meetings, and all participants will be expected to be recognized by the Board President prior to speaking, and will state his or her name and address. Customers must hold comments to a maximum of three (3) minutes. Persons in the audience should not interrupt the Board meeting proceedings as this is a violation of Parliamentary Procedure and if continuous interruption occurs, that person or persons may be asked to leave the meeting.

Customers who have water or sewer issues must contact the West Madison Utility District Office (601-879-9718), and leave their name, address and issue, whether it involves their bill, or a problem with their water and/or sewer. The Operator will contact the customer to discuss the matter. If the Operator cannot resolve the issue, he will place it on his report to present to the Board of Commissioners at its regular Board meeting. This procedure should be followed first instead of a customer directly contacting the Board of Commissioners because the issue can usually be resolved by the Operator.

If, however, the customer is still dissatisfied after the Operator has tried to resolve the issue and an extended period has elapsed, the customer may request to be placed on the Board's agenda to discuss issues pertaining to his/her sewer and/or water service or his/her bill, but the customer must submit a request prior to the meeting date by either filling out a form available in the office, or by calling the office number at 601-879-9718, and providing the following information to the person answering the telephone:

1. Name
2. Address
3. Reason for Wanting to Appear Before the Board

Customers who show up at Board meetings should not expect to address the Board if they have not: 1) first contacted the office regarding their billing or water/sewer issue; 2) spoken with the Operator regarding their issue; and 3) are not on the agenda per the above requirements.

The minutes of the meetings of West Madison Utility District are the written record of all proceedings of the board. Boards speak only through their minutes. Therefore, the minutes shall include:

1. Whether it is a regular or special meeting;
2. Date, time and place of meeting;
3. Board members present;
4. Board members absent;
5. A statement that the meeting was called to order and began as an open meeting;
6. Approval of the minutes of the preceding meeting(s);
7. An accurate recording of any final actions taken at such meeting;
8. A record by individual member of any votes taken at such meeting;
9. Any other item that the Board of Commissioners request to be reflected in the minutes;
10. A record of any closed determination/executive session to include:
 - a) A motion to enter into a closed determination for executive session stating an allowable reason and the vote;
 - b) A motion to enter into an executive session and vote;
 - c) A motion to end the executive session to return to open session and vote.
11. A record of adjournment;
12. Signature of President of the Board, attested by the Secretary, or other officer/person in attendance who prepared the Minutes.

Minutes shall be submitted to all Board members in a timely manner so that they have time to read and make any changes/corrections to said Minutes prior to the next meeting. Minutes shall become official when adopted by the Board at the next regular meeting, and shall be kept for record in the files in the office of West Madison Utility District.

EXECUTIVE SESSION - All meetings shall begin as an open meeting. A majority vote of the Board members present is required to declare an executive session. When the Board enters into executive session, and subsequently comes out of executive session, a vote must be or have been taken on the issue and reflected in the minutes. There is no authority that would allow the board to take any action without a vote that is duly and properly reflected in the minutes. The reason for holding the executive session must be stated in the open meeting and discussion shall be limited to those items. The following reasons shall be given for the executive session:

1. Discussion of personnel matters or the character, professional competence, physical or mental health of a person;
2. Strategy or negotiations with respect to prospective litigation, litigation or issuance of a detrimental effect, including allegations of misconduct or violations of law;
3. Transaction of business and discussion regarding the report, development of action regarding security personnel, plans or devices;
4. Cases of extraordinary emergency which would pose immediate or irrevocable harm or damage to persons and/or property, including Board members;
5. Transaction of business and discussion regarding real estate, including prospective purchase, sale or leasing of lands;
6. Transaction of business and discussions or negotiations regarding location, relocation or expansion of business or industry;
7. Transaction of business regarding evaluation, promotion, employment or termination of employees, including their deletion from any budget

REF: Miss. Code Ann. § 25-41-7, 25-41-11, 25-41-13

REQUESTS FOR COPIES OF BOARD MINUTES/DOCUMENTS – Minutes must be requested in writing and the person requesting the minutes must be specific about which month's minutes he or she wishes copied. The request must be dated. The cost for copies is \$1.00 per page to cover the cost of paper, toner, time, etc. If a customer wishes to have the Minutes emailed, he or she must provide his or her email address, and there is no charge associated with this service, unless the Minutes are not already in a scanned format. If the Minutes have to be scanned in order to send them via email or to copy them to a flash drive, there will be a charge associated with this request for the time involved. If a customer wishes for the Minutes to be copied to a flash drive, the customer must leave the flash drive in the office with the dated request. Either the Board member who copied the Minutes onto the flash drive and/or the office person will contact the customer when he or she can retrieve the flash drive from the West Madison Utility District office. Copies of Minutes requested shall be submitted to the customer within fourteen (14) days, unless there are unforeseen circumstances, upon which the customer will be contacted regarding the delay (*Miss. Code Ann. § 25-61-7, as amended*). It should be noted that West Madison Utility District does have a website and minutes are uploaded to the website.

Minutes cannot be removed from the West Madison Utility District office. Customers should be made aware that there is no full-time employee in the West Madison Utility District office, and most Board members work full-time and serve on the Board in a voluntary capacity so it is difficult for them to set aside time during normal working hours.

Requests for other documents shall be submitted in the same form as requests for copies of Board Minutes. It shall be noted that certain documents are exempt from the Open Records Act and are identified by *Miss. Code Ann. §25-61-9 and §25-61-11, as amended*. If there has been a written request for documents that are identified as exempt, procedure shall be followed per *Miss. Code Ann. §25-61-5, as amended*.

GENERAL RULES AND REGULATIONS - A copy of these rules, regulations, policies and procedures are available on the West Madison Utility District website. Copies of these regulations shall be made available for the price of reproduction, which shall be at the rate of \$1.00 per page. In addition to the rules and regulations set forth herein, West Madison Utility District shall maintain on file and have available for inspection or reproduction copies of the following documents:

- Water/Sewer User's Agreement;
- Current schedule of rates and charges (See Attachment A);
- Map showing the water system's certificated area for water and sewer service;
- Amendments to these rules and regulations

REVIEW OF EXISTING POLICIES - Changes in needs, conditions, purposes, and objectives will require revisions, deletions, and additions to the policies of the present and future boards. Proposals regarding changes in policy shall originate with a member of the Board. When it is necessary revise/amend an existing policy, the Board of Commissioners will reflect same upon its Minutes, and will incorporate said policy or amendment into its Policies and Procedures Manual as expeditiously as possible.

ATTACHMENT A

SCHEDULE OF RATES AND CHARGES

Non-Refundable Connection/Activation Fee

Residential (Homeowner)	\$150.00
Residential (Renter)	\$200.00
Commercial	\$200.00

First Time Service Requiring New Meter to Be Installed:

Residential Water Tap Fee (for standard ¾" line/meter)	\$500.00
Residential Water Tap Fee (for larger water line/meter)	Actual Cost of Meter plus \$450.00
Commercial Water Tap Fee	\$800.00

Residential Sewer Tap Fee	\$500.00
Commercial Sewer Tap Fee	\$800.00

Water Meter Test Fee \$ 5.00

WMUD will automatically read the meter a second time if the billing system flags the account due to excess differences between the last and current bill. If the customer asks for an additional meter reading, there will be a cost associated with this service. See Water Meter Test in Policies and Procedures

Road Bore Fee Time Plus Materials

Late Fee \$ 15.00

Added to Balance due if not paid in full by the 10th of each month

Delinquent Fee \$ 35.00

Added to the Balance due if not paid in full by the 15th of each month

Insufficient Fund Charge \$ 35.00

Maximum of three occurrences; after that no checks accepted.

Vandalism Fee \$100-\$500 plus monthly charges

See Tampering with Electric, Gas or Water Meters

Landlord Floating Deposit \$200.00

Water Rates (Effective July 1, 2025)

Minimum Water Rate:	\$45.00 (First 3,000 Gallons)
Water Flow Rate	\$ 5.00 (per 1,000 Gallons Used over 3,000 Gallons Minimum Water Usage)

Minimum Sewer Rate:	\$40.00 (First 3,000 Gallons)
	\$ 5.00 (per 1,000 Gallons Used over 3,000 Gallons Minimum Sewer Usage)

ATTACHMENT B

West Madison Utility District

PWS ID#0450016

CROSS CONNECTION CONTROL

SECTION 1. PURPOSE

As required by the Mississippi Safe Drinking Water Act and the regulations of the MSDH, this cross connection policy has been officially adopted by the officials/owners of West Madison Utility District to protect the drinking water from possible contamination.

SECTION 2. DEFINITIONS

- (1) **Water System:** Whenever this term is used in this document it shall mean: West Madison Utility District.
- (2) **Potable Water:** Water that is acceptable for human consumption.
- (3) **Non-Potable Water:** Water not acceptable for human consumption or of unknown quality.
- (4) **Cross Connection:** Any arrangement of piping where a potable water line is connected to non-potable water; it may be a pipe-to-pipe connection where potable and non-potable water lines are directly connected, or a pipe-to-water connection where the potable water outlet is submerged in non-potable water. If the potable and non-potable source are separated by gate valves, check valves or devices other than the appropriate backflow preventer as outlined by this policy/ordinance, a cross connection exists. By-pass arrangements, jumper connections, swivel or change over assemblies, or other temporary or permanent assemblies through which, or because of which, backflow may occur are considered to be cross connections.
- (5) **Backflow:** The reversal of normal flow direction where water flows from the intended point of delivery towards the supply.
- (6) **Back Pressure Backflow:** Backflow caused by a lower pressure in the potable supply than at the point of delivery.
- (7) **Back Siphonage Backflow:** Backflow caused by a negative pressure in the potable supply line.
- (8) **Health Hazard, (High Hazard):** Contamination with the potential to endanger the health and well being of the customer.
- (9) **Non-Health Hazard, (Low Hazard):** Contamination that will not endanger the health of the consumer, but does not meet established water quality standards for public water systems.

SECTION 3. BACKFLOW PREVENTION ASSEMBLY REQUIREMENT

- 3.01 Elimination and Protection of Cross Connections.** Cross connections occurring within the Water System shall be eliminated or protected with the appropriate backflow preventer. Cross connections are eliminated by establishing an air gap between the potable and non-potable sources. Cross connections are protected by installing the appropriate backflow preventer. It shall be the responsibility of the owner of the cross connection to eliminate the cross connection or protect the cross connection with a backflow preventer approved by West Madison Utility District.
- 3.02 Connections to Sewer.** Direct connections, permanent or temporary, between the Water System and a sanitary or storm sewer are prohibited.
- 3.03 Home Wells.** Connection to any source of water other than that provided by West Madison Utility District including home wells, is prohibited unless a backflow preventer approved by West Madison Utility District is installed.
- 3.04 Approved Backflow Prevention Assemblies.** Only backflow prevention assemblies approved by the MSDH shall be installed on this Water System to comply with this policy/ordinance.
- 3.05 Installation Requirements.** Reduced pressure principle assemblies, double check valve assemblies, and pressure vacuum breakers shall be installed in a manner and location that provides adequate access for testing and repair of the assembly. Reduced pressure principle assemblies and double check valve assemblies shall not be subject to possible flooding. Reduced pressure principle assemblies and double check valve assemblies shall not be installed in a pit or enclosure below ground level.

SECTION 4. RESPONSIBILITY OF WEST MADISON UTILITY DISTRICT

- 4.01 Surveys.** An authorized agent of West Madison Utility District, utilizing written guidelines published by the MSDH, shall conduct surveys and on-site visits as necessary to locate existing cross connections. Single family dwellings and multi-family dwellings designed to house no more than eight families shall not be included in this survey unless the officials of West Madison Utility District have reason to believe a cross connection exists. The survey of the Water System shall be completed by an individual approved by West Madison Utility District. Upon completion of this survey, the responsible official of West Madison Utility District shall certify to the MSDH, on forms provided by the MSDH, that the required survey has been properly performed and completed in accordance with the written guidelines published by the MSDH.
- 4.02 Right of Entry.** West Madison Utility District, acting through its authorized agent, shall have the right to enter any non-residential building, during reasonable hours, to inspect the plumbing system installed in any such building or premises provided prior notification of the inspection is given. The authorized agent shall first obtain consent of the owner to enter any single-family dwelling.
- 4.03 Classification of Hazard.** Each cross connection found will be classified as high hazard or low hazard by the authorized agent of West Madison Utility District. If a connection is found to be a high hazard cross connection, the owner of the connection shall be notified in writing within ten (10) days, that the cross connection must be eliminated or protected by the installation of a backflow preventer approved by West Madison Utility District within ninety (90) days of notification. If the connection is found to be a low hazard cross connection, the owner of the connection shall be notified in writing within ten (10) days, that the connection shall be eliminated or protected by a backflow preventer approved by West Madison Utility District within one (1) year of notification.

- 4.04 Selecting the Appropriate Backflow Preventer.** It shall be the responsibility of West Madison Utility District, acting through its agent, to determine the type of backflow preventer required at each cross connection and the location where the backflow preventer will be installed. The type of backflow preventer and the required installation location will be selected by West Madison Utility District utilizing guidelines published by the MSDH.
- 4.05 Existing Backflow Preventers.** Any backflow prevention device or assembly installed on the Water System to protect the Water System against the possibility of backflow from a customer's water service prior to the adoption of this policy/ordinance shall be governed by this policy/ordinance. Existing backflow preventers shall be inspected and tested within ninety (90) days of identification.
- 4.06 Review of Meter Applications.** West Madison Utility District, acting through its authorized agent, shall review all application for new meters to determine if a cross connection will be created. West Madison Utility District shall require the installation of an approved backflow preventer at all new connections where a cross connection will be created.
- 4.07 Inspections.** West Madison Utility District, acting through its authorized agent, will periodically inspect any connection to the water system as deemed necessary to insure cross connections have not been created. These inspections may be conducted without prior notice to the customer.
- 4.08 Record Keeping.** West Madison Utility District shall maintain records of the type, size and location of each backflow preventer installed in the system, when each backflow preventer is due to be tested, and the results of each test. Records shall be maintained for five (5) years from date of test and inspection.

SECTION 5. TESTING OF BACKFLOW PREVENTION DEVICES

- 5.01 Tests Required.** Each reduced pressure principle backflow prevention assembly, double check valve assembly, and pressure vacuum breaker shall be tested immediately after installation, after repairs of any kind, and annually. Any backflow preventer found to be non-functional shall be repaired and re-tested within fourteen (14) days of the initial test.
- 5.02 Certified Testers.** Only backflow preventer testers certified by the Mississippi State Department of Health shall test backflow preventers located in the Water System.
- 5.03 Notification.** West Madison Utility District shall notify the owner of each backflow preventer sixty (60) days prior to the date that the backflow preventer is scheduled to be tested.

SECTION 6. VIOLATIONS AND PENALTIES

- 6.01 Refusal of Inspection.** If the owner refuses to let the authorized agent of West Madison Utility District perform the necessary inspections to determine if a cross connection exists, West Madison Utility District shall require that a reduced pressure principle backflow prevention assembly be installed at that service connection.
- 6.02 Maintaining a Cross Connection.** If the owner, after having been informed that a cross connection exists at his property, refuses to eliminate or protect the cross connection through the

use of the appropriate backflow preventer, water service to the connection shall be terminated until such time as the owner complies with MSDH Regulations.

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ATTACHMENT C

WEST MADISON UTILITY DISTRICT

P.O. Box 27
443 Livingston Vernon Road
Flora, MS 39071

Telephone: 601-879-9718
Website: WMUD.myruralwater.com

Email: wutilities@att.net

FIRST LETTER

RE: Proposed Development within West Madison Utility District's
Certificated Area

Dear :

Please be advised that the area in Section ___, Township 9 North, Range 1 West, Madison County, Mississippi that you intend to develop as _____ does lie within West Madison Utility District's water and sewer certificated area.

Prior to performing a hydraulic analysis, an up-front, non-refundable fee in the amount of \$2,500.00 will be required, payable to West Madison Utility District. Once this fee is paid, West Madison Utility District will direct its engineer to begin the hydraulic analysis.

Please contact me if you need any additional information.

Sincerely,

West Madison Utility District
Board of Commissioners

WEST MADISON UTILITY DISTRICT

P.O. Box 27
443 Livingston Vernon Road
Flora, MS 39071

Telephone: 601-879-9718
Website: WMUD.myruralwater.com

Email: wutilities@att.net

SECOND LETTER

RE: Proposed Development within West Madison Utility District's
Certificated Area

Dear :

West Madison Utility District will provide the development with such services in accordance with its standard water and sewer extension policies and procedures. Attached is the preliminary opinion of probable cost (OPC), to include design engineering fees, easement acquisition, legal fees and survey fees for the subject subdivision.

Please keep in mind that this is an estimate and is not an offer of service at the estimated cost. Actual costs could be more or less then the OPC. For us to proceed, you will need to deposit \$_____ with West Madison Utility District. This is a time limited OPC of costs and this letter is only valid for thirty (30) days from the date of this letter. If the deposit is not paid within that timeframe, another OPC will need to be prepared at your expense.

Please contact me if you need any additional information.

Sincerely,

West Madison Utility District
Board of Commissioners

WEST MADISON UTILITY DISTRICT

P.O. Box 27
443 Livingston Vernon Road
Flora, MS 39071

Telephone: 601-879-9718
Website: WMUD.myruralwater.com

Email: wutilities@att.net

THIRD LETTER

RE: Proposed Development within West Madison Utility District's
Certificated Area

Dear :

Please see attached project cost estimate for the subject development. The total project cost estimate is \$_____. These costs are based upon the lowest and best bid provided by _____. You previously deposited \$_____. For us to proceed with construction, you must deposit the remaining \$_____ with West Madison Utility District within the next sixty (60) days.

Please understand that until all work is completed, and final quantities are established, this is still an estimated cost and additional monies may be required from the developer based on final contract price.

Please contact me if you need any additional information.

Sincerely,

West Madison Utility District
Board of Commissioners