

# *College View Community Association*

## *By-Laws*

March 4, 2013

### Article I **GENERAL PROVISIONS**

- Sec. 1 TITLE: The Association shall be known as the College View Community Association.
- Sec. 2 LOCATION: The Association is located in Lockport Township of Will County, Illinois.
- Sec. 3 ADDRESS: The address of the Association shall be the address of its Registered Agent.
- Sec. 4 PURPOSE: The purpose of the Association is primarily, to provide and furnish drinking water facilities at scheduled rates, without pecuniary profit, also to seek and provide ways and means for such public improvements as are from time to time deemed necessary for all members of said Association; and for all plots, tracts or parcels of land in the College View Subdivision now a part thereof, or hereafter made a part of this Association and to own and operate the necessary plants and equipment therefore.
- Sec. 5 GOVERNING BODY: The Association shall be governed by the Executive Board consisting of the following seven officers:
1. The President
  2. The Vice-President
  3. The Secretary
  4. The Treasurer
  5. Director
  6. Director
  7. Director
- Sec. 6 ASSESSMENTS: The Executive Board of the Association is and shall be authorized to make any and all assessments directly required for the operation of the water system as the Board deems best. The levying of any and all other assessments shall not be considered by the Board unless and until at least 51% of the members subscribe to a petition authorizing and directing that assessment be made. In the event the petition presented to the Board is signed by at least 75% of the membership, then the Board shall adopt and levy the assessment as provided and set forth in the petition. The Board shall not be responsible to circulate any petition. Any assessment made by the Board is to be paid by all members of the Association and is to be paid with the water collection.

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Members of the Association who do not comply are under penalty of having their water service discontinued in accordance with the Association's Charter.

### Article II **MEMBERSHIP**

- Sec. 1      **CONSIST:** The membership of the Association shall consist of all persons (Husband and Wife of the Household) who shall pay for water service in this Association.
- Sec. 2      **COMMENCEMENT AND REGULATION:** Membership in the Association is to begin at the time of tapping into the Association's water main, and upon becoming a member of the Association, the member is subject to the regulations contained in these, the By-Laws of the Association.

### Article III **MEETINGS**

- Sec. 1      **ANNUAL MEETINGS:** There shall be an annual meeting of the membership on the first Monday in March, beginning in 1960, at 6:30 p.m., and yearly thereafter.
- Sec. 2      **SPECIAL MEETING:** The President shall have the power to call a special meeting of the members of this Association. The President shall call a special meeting of the members of the Association on the request of the Executive Board and on request in writing of seven or more members of the Association.
- Sec. 3      **NOTICE:** Written notice of all meetings of the members of the Association shall be presented or mailed by the Secretary to each member of the Association at their last known post office address with notice for regular meetings given ten days and for special meetings five days prior thereto.
- Sec. 4      **QUORUM:** Seven percent of the members shall constitute a quorum for the transaction of business at any meeting of the Association, but shall not be sufficient to amend the By-Laws. No business shall be conducted when a quorum is not present. The By-Laws may be changed as is hereinafter provided in Article VIII.
- Sec. 5      **FISCAL YEAR:** The fiscal year of the Association shall begin on the first day of February in each year.

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### Article IV **OFFICERS**

- Sec. 1      **CONSIST:** The officers shall consist of seven members who collectively shall constitute the Executive Board, namely: the President, Vice-President, Secretary, Treasurer, and Three Directors, who shall hold office for the term for which elected or until their successors are duly elected and qualified, or upon being elected to a different office.
- Sec. 2      **ELECTION AND TERMS OF OFFICE:** The Association at its regular annual meeting shall elect a President, Vice-President, Secretary, Treasurer and (3) Directors to (4) year terms. The President, Secretary and (2) Directors shall be elected to (4) year terms beginning March 1977. The Vice-President, Treasurer, and (1) Director shall be elected to (2) year terms beginning in March, 1977 to initiate a (2) year overlap of terms. Thereafter in election years, all officers will be elected to (4) year terms.
- Sec. 3      **REMOVAL FOR CAUSE:** Any officer or agent elected or appointed by the Board of Directors may be removed from such office by the Board whenever it is its judgment, the best interest of the Association would be served thereby, but such removal shall be without prejudice to the contract right, if any, of the persons so removed. Officers elected or appointed by the Association must be removed by the Association.
- Sec. 4      **VACANCY:** Whenever a vacancy shall occur and the Executive Board, such vacancy shall be filled as follows: the Executive Board shall meet within 30 days following the vacancy and shall appoint a new director or officer as the case may be. Should a member of the executive board cease to be a user of water, his term of office shall immediately terminate and said office shall be deemed vacant.

### Article V **DUTIES OF OFFICERS**

- Sec. 1      **THE PRESIDENT:** The president shall preside at all meetings of the Association, have general supervision of the entire business of the Association and see that all the laws and regulations of the Association are faithfully and fairly executed. The president will also give a report at each meeting of the Association.

Compensation: Free water plus a salary of \$3,120.00 per year, effective March 4, 2013. Subject to be reviewed and adjusted at an annual meeting by the majority of the membership present.

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- Sec. 2 THE VICE-PRESIDENT: the Vice-President shall assume the powers and perform the duties of the president in his absence when called upon to act as such by the Executive Board, and such other duties as may be assigned to him by the President of the Association or the Executive Board.

Compensation: Free Water

- Sec. 3 THE SECRETARY: The Secretary shall keep a record of all meetings of the Association, issue notice to all members of all meetings of the Association, and perform such other duties as may be assigned to him or her by the President or the Executive Board.

Compensation: Free water plus a salary of \$240.00 per year, effective March 4, 2013. Subject to be reviewed and adjusted at an annual meeting by the majority of the membership present.

- Sec. 4 THE TREASURER: The Treasurer shall receive all monies; pay all bills properly approved by the Executive Board and co-signed by the President, retain vouchers for all payments and keep proper books of accounts and all monies received and dispersed. The Treasurer shall be bonded in an amount determined by the Executive Board with the cost of bonding paid by the Association. The Treasurer shall submit a financial report at each Association meeting and perform such duties as may be assigned by the President or the Executive Board.

Compensation: Free water plus a salary \$1,200.00 per year, effective March 4, 2013. Subject to be reviewed and adjusted at an annual meeting by the majority of the membership present.

- Sec. 5 THE WATER COMMISSIONER: The Water Commissioner shall oversee the operation of the water system, supervise the water checks, samples, etc. and make known any breakdowns to the Board and/or contractors for the purpose of repairs.

Compensation: Free Water plus a salary of \$3,360.00 per year, effective March 4, 2013. Subject to be reviewed and adjusted at an annual meeting by the majority of the membership present.

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Sec. 6 THE DIRECTORS: The three Directors shall perform such duties as may be assigned them by the President or the Executive Board.

Compensation: Free Water

Sec. 7 THE BOOKS AND RECORDS: The books and records of the Association shall be open to inspection for members of the Association at such times and subject to such regulation and audit as an Executive Board may prescribe.

Sec. 8 AUDIT: All Corporation books will be audited before each annual meeting and before the retirement of the officer keeping the books. The costs, if any, of any audit shall be borne by the Association.

### Article VI **EXECUTIVE BOARD**

Sec. 1 POWERS AND DUTIES: The Executive Board shall have the power to make any and all necessary repairs which from time to time may become necessary to pumping stations for the furnishing of water and the distribution pipes and mains so as to carry out the purpose for which said the Association was organized, and to this end the officers, directors, and agents of said Association shall have the right, privilege and power of going upon the land or premises where such pipes are located, for the purpose of accomplishing such maintenance and repair. The Board shall be authorized to appoint a Water Commissioner, licensed Water Sampler and to hire any contractors to meet Illinois Environmental Protection Agency standards. The Board shall maintain a list of duties for the water Commissioner and Water Sampler.

Sec. 2 MANAGEMENT OF ASSOCIATION: The affairs of the Association shall be managed by its Executive Board of Directors.

Sec. 3 TREASURY SURPLUS: The Board of Directors shall not reduce the treasury of the association below the sum of two thousand dollars (\$2,000.00) unless it is necessary and required to replace and/or repair equipment.

Sec. 4 DETERMINING OF EMERGENCY SUPPLY CONDITIONS AND IMPOSING WATER USE LIMITS: The Executive Board shall have the power to determine that emergency supply conditions are in existence. Said determination shall be made by a majority of the members of the Executive Board. Upon determining that emergency supply conditions are in existence, the Executive Board shall be empowered to set limits

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on the use of water for the members of College View Community Association. Said limits may restrict the use of sprinklers, the washing of automobiles or such and whatever other reasonable limits the Executive Board shall determine. The Executive Board shall be further empowered to impose fines and sanctions on members of the Association who violate said restrictions. Upon determining that emergency supply condition exists, the Executive Board shall publish by pamphlet to deliver to all members of the Association a notice describing the limits and restrictions that the Executive Board has imposed and the fines and sanctions which shall be imposed for a violation of those limits restrictions.

- Sec. 4a The Executive Board shall have the authority to determine that a member is in violation of the limits and restrictions imposed during emergency supply conditions at which time the Executive Board shall notify that member that they are in violation and that their water will be turned off and/or fines and sanctions imposed on the member if the member does not immediately cease violating the restrictions. If the member does not cease violating the restrictions within two days after said written notice has been delivered by the executive board or a member thereof, that the Executive Board shall have the right and authority to turn off said water and/or bring suit against the member in the Circuit Court of Illinois for the fines, etc. as laid out in Article VII, Section 3, and Article VII, Section 8.

### Article VII **WATER SERVICE**

- Sec. 1 **BILLING FOR SERVICE:** Service billing will begin at the end of the building date or move-in date, whichever occurs first.
- Sec. 2 **ADVANCE DEPOSIT:** Effective immediately following the Annual meeting in March, 1979, a cash deposit equal to the amount of (3) billing periods (\$150.00 as of March 4, 2013) will be required of any new homeowner. The deposit will be refunded upon termination of association membership.
- Sec. 3 **WATER SHUT OFF FOR DELINQUENT USERS:** That the Association shall have the right to immediately turn off the water of any user whose delinquent in the payment of his water bill for more than (4) months, that water shall not be restored to the user when it has been turned off until payment of all charges as herein provided are paid in full; that any water user as water turned off pursuant hereto shall pay the filing charges: (1) Turn on fee of \$40.00; (2) All expenses incurred in the turning the water off and on; (3) All cost of equipment damaged in turning the water off and on; (4) A cash deposit equal to

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the amount of (3) billing periods (\$150.00 as of March 4, 2013) will be required of any delinquent home owner who had not previously been required to make said deposit under Article VII Sec. 2.

- Sec. 3a The Association shall have a right to immediately turn off the water of any user who, after receiving notice of violation, continues using the water in violation of limits and restrictions imposed by the Executive Board during a period of time in which the Executive Board has determined that emergency supply conditions are in existence.
- Sec. 4 DELINQUENT CHARGE: A delinquent charge of \$5.00 will be added to any payment that is received after the due date provided on the bill.
- Sec. 5 RESPONSIBILITY OF ASSOCIATION: The association will only be responsible for the maintenance of the well and pipes only up to and not including the buffalo box valve.
- Sec. 6 THE FURNISHING OF WATER: The furnishing of water by the Association to various members of the Association shall be in accordance with and subject to the rules and regulations which may from time to time be adopted by the Executive Board. Water users will be required to install and maintain a lot line buffalo box and valve. The tapping in on the mains must be voted on by the Executive Board.
- Sec. 7 RESPONSIBILITY OF HOMEOWNER: Homeowners will be responsible for providing ready access to the water and shut off on their property line. The buffalo box must be above the ground line and be readily accessible. If it becomes necessary for the association to do this in an emergency situation, the cost will be passed on to the homeowner.
- Sec. 8 FINES AND SANCTIONS FOR VIOLATION OF LIMITS AND RESTRICTIONS DURING EMERGENCY SUPPLY CONDITIONS: Any homeowner who violates limits and restrictions imposed by the Executive Board during a period of time in which the Executive Board has determined that emergency supply conditions are in existence shall pay the fines and costs established by the Executive Board for said violations. In addition to fines and costs imposed by the Executive Board on the member, the member will also be responsible for the payment of any attorney's fees, costs or other charges which arise as a result of the homeowner's violation of the limits restrictions. Said fines, costs, attorney's fees, etc. shall also constitute the assessment against the member shall be collectible in any manner provided by law.

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FINES: First Offense ----- Cost of one billing period  
(\$50.00 as of March 4, 2013)

Second Offense – Cost of two billing periods  
(\$100.00 as of March 4, 2013)

Third Offense ---- Cost of three billing periods  
(\$150.00 as of March 4, 2013)

One billing period equals two months of water service.

## Article VIII    **AMENDMENTS**

Sec. 1 CHANGE IN BY-LAWS: The By-Laws may be modified, altered or amended at any regular meeting or at any adjourned session thereof or at any special meeting duly called as provided herein in which fifty (50) or more members are present; provided a (5) days previous notice in writing shall be given to each member of the Association of any such meeting and of the proposed change in the By-Laws of the Association.

Sec. 2 NUMBER CONSTITUTING QUORUM FOR CHANGE OF BY-LAWS: In order to amend the by-laws, a quorum shall consist of fifty (50) members present at a meeting duly called as provided herein.

## Article IX      **COMMUNITY SOCIAL ACTIVITIES**

Sec. 1      YEARLY COMMUNITY SOCIAL ACTIVITY EXPENSE: The Board of Directors shall be authorized to expend a sum of money from the treasury of the Association for the community social activities not to exceed Five Hundred Dollars (\$500.00) annually.

Sec. 2      **EXPENSE OF YEARLY SALARIES:** Salaries for the President, Secretary and Treasurer shall be payable once a year following the annual meeting. The salary for the Water commissioner shall be payable bi-monthly, and in the event of resignation or retirement prior thereto such salary shall be prorated.