

SEYMOUR ARM WATER USERS COMMUNITY (SAWUC) BYLAWS

1) Membership

- (a) Membership in the Seymour Arm Water Users Community shall consist of those licensees named in the Certificate and their successors as such licenses or individuals who have paid for a share in the community water system.
- (b) When a prospective new member purchases or has transferred the share from a departing member, it is the responsibility of the seller to notify the Manager or Community Secretary/Treasurer. The seller must advise the purchaser in writing of this process and must provide necessary information and documentation to ensure the transfer is completed through the provincial Water Management Branch.
- (c) The purchase of one share in the community water system entitles the member to 500 gallons or 2.27305 cu m. of water per day per license and is restricted to the main dwelling and one extension on the same property.
- (d) Any license where the number of dwelling connections exceeds that stipulated in Article 1(c) for any part of the year may be deemed as an entrepreneurial or for-profit business and be assessed a commercial surcharge as well as the annual maintenance fee per additional connection (such as an RV or travel trailer) to a maximum of five connections per property. The Management Committee will review and set the charges annually.
- (e) Commercial businesses already having multiple designated private shares/licenses and having more than the number of connections allowed under Article 1(c) are exempt from Article 1(d) as they are considered to have the equivalent of a commercial designation.
- (f) The purchase cost of one share in the community water system is \$3000. which entitles the purchaser to one vote. A water maintenance fee set by the Management Committee will be charged on an annual basis. The invoice for this fee will be emailed/mailed to all members each spring. The fees are subject to change as required but will be presented to the Members in advance and voted on at the Annual General Meeting. Annual maintenance fees are payable 30 days from issue of the invoice and interest on accounts in arrears may be charged.
- Shares are issued for a specific property and are not to be sold or transferred to any other property.
- (g) A member wishing to terminate his membership and withdraw from the community water system shall make written application to the Management Committee, which shall have the right to accept such withdrawal upon the conditions that all fees past and current are paid and the member is in good standing.

(h) Individuals applying to SAWUC for membership and a new installation to the water system will be placed on a priority list in the order of date of receipt of a written application to the Water Manager or Secretary-Treasurer. Prior to actual installation, the applicant must complete acquisition of a provincial Water License, generally through Front Counter BC and deliver a copy of the License Certificate to the SAWUC Secretary/Treasurer as soon as it is received. No new installation will proceed prior to receipt of this document by SAWUC management.

(i) New hookup applications require the membership fee of \$3000. plus connection costs to the property line, payable at or before the time that the applicant is notified of scheduling for the physical installation.

(j) A prospective new member may decline once to proceed with the actual installation and their name goes to the bottom of the current list. If he/she declines a second time the install is offered, they will be removed from the installation list but may re-apply at a later date.

2) Annual General Meeting

(a) An Annual General Meeting shall be held on the long weekend in September, unless there are circumstances that do not allow for the meeting to take place at that time. In such an event, the Water Manager and Board of Directors will determine an alternate date.

(b) Annual General Meetings may be held using electronic means, such as Zoom or equivalent platforms, when available. If this method is used, Quorum as in Article 4(a) also applies.

3) Special General Meeting

(a) Special General Meetings of the Seymour Arm Water Users Community may be summoned at the discretion of the Board of Directors or Water Manager. Adequate notice via mail/email/website of time and place thereof shall be given to the members. When possible, 30 days' notice will be given.

4) Quorum: (Applicable to all meetings)

(a) A quorum shall consist of 25% of the voting interest of the Water Users Community membership. This can be achieved by combining attendees and proxies.

(b) Members may appoint proxies (in writing or via an email copy) to another member to speak/vote on their behalf on a per meeting basis.

(c) Quorum for a Management Committee Meeting shall be a minimum of the Water Manager and three Directors.

5) Voting by Interest

(a) All decisions affecting the membership shall be determined by a majority vote at the Annual General Meeting. Members will receive 30 days advance notice via mail/email or website of the agenda and any upcoming matters that require a vote. All members of the Water Users Community shall have ONE vote per share paid.

6) Management

(a) The business of the Water Users Community shall be conducted by the Water Manager, along with the other Board members. The Water Manager will oversee the processes and procedures set out and approved by the membership for the maintenance and upkeep of the water system. A yearly report from the Water Manager will be presented at the Annual General Meeting.

(b) Following election, a new Board of Directors will appoint one Member as Water Manager and one as Secretary/Treasurer. Selection will be prioritized toward full-time Seymour Arm residents with relevant experience, skills and/or training. Appointments will be confirmed through a vote among the Board of Directors.

(c) The Board of Directors shall be elected at each Annual General Meeting. The incumbent Management Committee may choose to let their names stand or step down. To be eligible for election, individuals must be Members in good standing of SAWUC and remain so throughout their tenures. A new Board Member may be elected by the membership if there is a vacancy but must be present at the meeting to accept the nomination or submit a written statement (or e-mail) in advance to the Secretary/Treasurer of willingness to accept a nomination if put forward and supported by two Board Members. If there are more candidates than positions available, an election will be called by the Elections Chair.

(d) The SAWUC Management Committee (Board of Directors) shall consist of a Water Manager and Secretary/ Treasurer, as well as a maximum of six Directors. A Chairperson will be appointed from among the elected Board Members to lead business meetings. At the discretion of the Board, this position may be rotated or shared among elected Board Members. All issues before the Management Committee will be decided by majority vote.

(e) All Board Members are expected to provide a contribution to the Water Users Community. A Water Manager or Director may be removed at any time at a General Meeting called for that purpose. A Director may also be asked to resign from the Board if it is determined by their peers that there is a lack of contribution, compatibility issues or noninterest in the organization, such as not attending meetings or completing tasks agreed upon. All such matters are to be settled by a majority vote of the Management Committee.

- (f) The Water Manager and Board of Directors reserve the right to refuse any application by a property owner wishing to be on the water system or seeking variance of these bylaws where acceptance would jeopardize the goals or wellbeing of the Seymour Arm Water Users Community. Further, if an existing member fails to pay maintenance fees, the Water Manager/Board will have the right to disconnect at the expense of the member 30 days after delivery of a second notice of arrears.
- (g) The Management Committee may hire staff or certified/licensed contractors at its discretion to assist in day-to-day operation and maintenance of water system infrastructure. The Management Committee may also retain third-party consultants, agents or representatives to provide assistance or expertise to the Water User Community as deemed prudent.
- (h) The Management Committee, subject to prior ratification at a General Meeting, may decide to offer remuneration for services by Directors and/or Members or excuse/adjust maintenance fees in lieu of services related to system maintenance or other activities in support of system integrity.
- (i) The Management Committee reserves the right to cancel a Membership in the Water Users Community and will exercise this right where the individual Member refuses to accept and adhere to these by-laws and/or provisions in the Water Users Communities Act of British Columbia, (RSBC 1996) or the Water Sustainability Act (SBC 2014). Implementation of this procedure will be initiated by written notification of the issue, followed by sufficient time for corrective action to be taken and thirdly, processing of an appeal. If the final decision is cancellation, refund of the original cost of membership is to be made within 30 days of that event.
- (j) All Members of the Management Committee MUST disclose any potential conflicts of interest BEFORE discussion of any pertinent issue before the group. If such a disclosure is made, the individual will be asked to recuse him-/herself from the meeting or discussion and leave the group until the matter is concluded.
- (k) All SAWUC meetings will be conducted under Roberts Rules of Order. Standard business practice relative to behavior, mutual respect and consideration will encourage exchange of ideas to the overall good of the Water Users Community.

7) Authority of Management

Under the Water Users Communities Act, the Community is considered to be a public corporate body and may;

- (a) acquire, hold and control property and licenses,
- (b) acquire, construct, hold, maintain, improve, replace and operate works and

(c) levy assessments on its members and enforce payment of those assessments by suit in a court of competent jurisdiction. The Management Committee/Manager retains the right to disconnect a Member 30 days after delivery of a second notice of arrears or failure to comply with any Regulation issued by the Community Management.

(d) The Management Committee shall have the power to determine conditions for new membership on an individual basis.

(e) The Management Committee shall have the power to determine conditions for membership if the original purpose conditions have changed.

8) Control Over Works and System

(a) The Water Users Community has exclusive control, operation and ownership of the intake, reservoir, connecting pipelines, main water supply lines, all incidental works and easement of the Water Users Community in which it is vested. The Community also has the right to control and regulate the branch water supply lines connected there to by means of which water is conveyed to the lands of its members and may refuse use or benefit of those works to a Member in default in paying an assessment or complying with a rule by the Manager.

(b) The intake, reservoir, connecting pipelines, main water supply lines, all incidental works and easement up to the property line of the Member, supplying the individual members shall be maintained by and at the expense of the Community.

(c) All branch lines on the lands of the individual Members shall be installed and maintained by and at the expense of the Members benefiting therefrom, subject to control and regulation by the Community under the Management Committee or Manager.

(d) An individual member has the right and responsibility for use of the water under license with the purchase of a Share. In the event that more than one share is purchased/owned, the individual is to designate the purpose of each Share. A change in the designation of the purpose of the share must be requested from the Management Committee in writing, PRIOR to effecting the change.

(e) As a general rule, Members cannot use a hose or other form of conveyance to supply water from their own installation to any property not owned by the licensee, regardless of the number of licenses held by the Member (Ref 1(f)). Limited-time exceptions are to be requested by the Member and will be permitted on a case-by-case basis at the discretion of the Management Committee/Board.

9) Prohibition of Unauthorized Interference

- (a) No person who is not authorized by the Water Manager or Management Committee shall open, shut, draw water from or tamper with any pipe, valve, measuring device or any other fixture or equipment owned, controlled or operated by the Community.
- (b) No new connection or modification to any part of the water system may be made without permission of the Manager/Management Committee.

10) Abuses and Precautions

- a) Every Member shall keep pipes, taps and fixtures in good repair in order to prevent water wastage.
- (b) If a significant leak or other issue of concern to the Community water system occurs on private property while the owner is away from Seymour Arm, attempts will first be made to communicate with the owner but SAWUC reserves the right to enter the property to secure a leak or damage to prevent harm to neighboring properties or the water system. Any related expenses as a result of a leak on private property will be at the expense of the property owner.

11) Assessments and Liability for Debts

- (a) Special assessments may be levied by Resolution of a General Meeting of the Community and any such resolution shall specify the purpose and basis of the levy and the date of payment thereof.
- (b) Every voting member is liable for a part of the debts of the Community proportionate to his/her shares. Upon disposing of the land to which the appurtenant license applies and notifying the Management Committee thereof, in writing, any Member may limit his/her liability to such debts to those incurred before the notice was given.
- (c) Every purchaser of land to which the water is conveyed through the Community system shall be liable for the assessments and debts of the Community after his/her purchase of the land to the same extent as the original Member, unless or until the purchaser notifies the Manager that he or she does not wish to be a Member of the Water Users Community.

12) Financial

- (a) A Management Committee Member thereof appointed by them, or the Manager, shall receive and disburse all assessments levied and other monies and other financial records, which shall be open to inspection by any Member with reasonable due notice. Inspections by Members must include the presence of two Management Committee Members.

(b) There shall be prepared and laid before each Annual General Meeting of the Community suitable financial statements and reports of all dealings with the Community monies and the state of its accounts. These statements will be prepared by a third-party accredited accountant.

13) Records

(a) The minutes and records of the Community shall be kept safely in Seymour Arm by the Manager or a Management Committee Member and will be open to inspection by a Member with due notice. The same shall be delivered by the Management Committee or Manager to successor Boards at each Annual General Meetings of the Community.

(b) If deemed necessary, initiation of a financial review or audit shall be the responsibility of the Management Committee.

14) Default Authority

(a) These Bylaws are prepared under the general terms of the Water Users Communities Act of British Columbia (RSBC 1996) Chapter 483 current to December 14, 2022. Should any issues outside these bylaws arise, the said Act or the Water Sustainability Act (SBC 2014) Chapter 15 will be the default Authority.

Approved as Amended

September 3, 2023

