

# **EASTERN IDAHO REGIONAL SEWER DISTRICT (EIRSD)**

## **BYLAWS AND POLICY MANUAL**

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## **1.0 Overview of District**

### **1.1 History of EIRSD**

The Eastern Idaho Regional Sewer District (EIRSD) is a sewer district that conveys and treats sewage collected from the cities of Ammon and Shelley and portions of Bonneville and Bingham counties. EIRSD was originally formed as a joint powers authority in 2004 and transitioned to a sewer district in 2022. EIRSD owns and operates a regional sewage treatment plant west of Shelley, known as the Oxbow Water Reclamation Facility, and several sewer interceptor main lines that convey sewage to the treatment plant. The collected sewage is treated at the Oxbow Facility before being discharged to the Snake River. EIRSD does not operate collection systems (lateral sewer lines) but does contract with other sewer districts to treat their sewage effluent.

Pursuant to Idaho Code Section 42 -3202, the Eastern Idaho Regional Sewer District:

- 1) Has the power to extend its sewer lines to an appropriate outlet in order to provide sewage disposal;
- 2) May be partly within or entirely without one (1) or more municipalities and/or counties; and
- 3) May consist of noncontiguous tracts or parcels of property.

As such, the Eastern Idaho Regional Sewer District encompasses sections of the City of Shelley, the City of Ammon as well as other sections of Bonneville County and Bingham County

### **1.2 EIRSD Service Area**

The areas of sewer service for the Eastern Idaho Regional Sewer District are determined by property being within the boundaries of the EIRSD as originally established, by a vote of the property owners within the EIRSD boundary and Court approval together with additional annexation approved by the Idaho Courts.

Owners of land outside the EIRSD boundary which are desirous of annexation must submit a petition for annexation, pay an application fee, go through the public hearing process, obtain Board approval and receive court approval (Idaho Code Section 42-3218). Alternatively, other sewer districts may contract with EIRSD for the treatment of sewage.

EIRSD makes no guarantee that it has or will maintain a system of unlimited capacity. Sewer service is available on a first-come-first-serve basis to properties within the EIRSD. EIRSD will consider petitions for annexations of additional territory in the EIRSD subject to its ability to provide services.

Any property owner may petition the EIRSD's Board of Directors for annexation into EIRSD in accordance with the procedures established by the EIRSD.

- 1) Proposed annexations will be reviewed by EIRSD for impacts to the entire sewer system.
- 2) The petitioner must pay an annexation fee and agree to the Terms and Conditions of Annexation imposed by the Board of Directors.
- 3) Sewer services and conveyance systems to the annexed lands must meet all EIRSD specifications and comply with the Facility Plan.
- 4) The Board retains sole discretion to approve, approve with conditions, or deny any annexation petition based on its determination of the best interests of the EIRSD.

### **1.3 Mission Statement**

It is the mission of the Eastern Idaho Regional Sewer District to provide the current and future residents of the City of Shelley, the City of Ammon and areas within Bonneville County and Bingham County which are in or near the EIRSD boundaries with cost effective sewage transmission and treatment while protecting our natural resources and community environment for future generations.

### **1.4 Authority of the EIRSD**

The legal authority under which the EIRSD operates is Idaho Code, Title 42, Chapter 32, and other state statutes that may apply to public entities within the State of Idaho. The following Bylaws as well as any other laws or statutes of the State of Idaho establish and govern the powers and actions of the EIRSD's Board of Directors in the public interest and shall be binding upon the Board. The Board shall have no power to change any of the applicable statutory rules governing it except by the means provided in the State Constitution. To the extent the Bylaws conflict with applicable state statutes, the statutes will apply.

The purpose of this Policy Manual is to serve as the "By-Laws" of the EIRSD and to provide management and staff with policies adopted by the Board of Directors with respect to internal management of the EIRSD affairs and with external management practices and procedures of the EIRSD as they apply to the public, including developers, contractors, suppliers, and other agencies that the EIRSD may associate or do business with.

The provisions of this Manual shall apply to all employees, agents, and representatives of the EIRSD. Those sections that provide for fees and govern the connection to, and maintenance and use of, the EIRSD's sewer system shall apply equally to all users of the sewer system and all who petition for annexation to the EIRSD for the purpose of using the system.

The Bylaws contained herein may be changed or modified and additional bylaws may be added by the Board, but only the approval by a majority vote of the Board.

## 1.5 Definitions

Unless the context indicates otherwise, the meaning of the terms used in this Manual shall be as follows:

**Connection Fees:** Fees set by the EIRSD's Board of Directors for the right of new sewer users to connect to and use the EIRSD's sewer system (connection fees may include both "hookup fees" and "capacity replacement fees"). Additional connection fees may be imposed by other entities or districts.

**District:** Refers to the Eastern Idaho Regional Sewer District, acting through its Board of Directors, or its duly authorized agent or representative.

**Equivalent Residential Unit (ERU):** A unit of measurement equivalent to one unit of sewage typically discharged by one single family residence as defined in terms of flow or constituent loading by EIRSD's Board of Directors and any relevant ordinances.

**Flow:** The volume of sewage being discharged into the sewage system.

**Industrial Wastes:** The liquid wastes from industrial manufacturing processes, trade, or business as distinct from domestic wastes or wastes from sanitary conveniences.

**Lateral Sewer Line:** That portion of the sewer service line that runs from the main connection to the property being serviced (also referred to herein as "collector lines").

**Transmission Line:** All current and proposed Main Extensions and Lift Stations of the sewer mains of the domestic sewer system to serve the Eastern Idaho Regional Sewer District sewer service area.

**Multiple Building Development:** Includes the various types of developments that would have common or joint ownership areas such as condominiums, townhouses, mobile home parks or courts, shopping centers, etc.

**Occupant:** The tenant who occupies the property of an owner which is service by the sewer system  
**Owner:** A person owning real estate that is, or proposes to be, connected to the sewer system.

**Private Sewer Service Line:** That part of a sewer connected to the EIRSD's sewer system located within the private property of the user, and which serves only private property.

**Public Sewer Service mainline:** That part of a sewer constructed from the sewer tap-in of the existing main, manhole, trunk sewer or interceptor sewer.

**Public Sewer:** A sanitary sewer in which all owners of abutting properties have equal rights and is controlled by public authority (also referred to herein as "sewer system", "system" or "sewer").

**Sanitary Sewer:** A sewer, which carries sewage and to which storm, surface and ground waters are not admitted.

**Sewer extension:** An extension shall be defined as any sewer line construction of 8-inch or larger diameter pipe, required to serve a development, lot or parcel.

**Service Connection:** Point at which a private sewer service line connects to the public sewer service line.

**Sewage or Waste Matter:** A combination of the water - carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

**Sewage Treatment Plant or Wastewater Treatment Facilities:** Any devices and system used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature.

**Sewer:** A pipe or conduit for conveying sewage.

**Sewer System:** All facilities of the EIRSD for collecting, pumping, conveying, treating, and disposing of sewage.

**Sewer User:** Any individual, firm, company, association, society, corporation or group who has connected to the sewerage system (also referred to herein as "user").

**Subdivision:** A division of a larger parcel of land into smaller independent parcels of land capable of separate identification and ownership.



## **2.0 Board of Directors**

### **2.1 Constitution of Board of Directors**

The Board of Directors consists of five (5) qualified electors of the EIRSD elected at large for six (6) year terms that are staggered per Idaho Code (Idaho Code Section 42-3207).

### **2.2 Officers of the Board**

The Board will elect one (1) of its members to act as President of the Board. The Board shall also elect a secretary and a treasurer who may be the same person (Idaho Code Section 42 - 3209).

### **2.3 Duties of Officers**

Board members are expected to attend meetings on a regular basis and to be familiar with the agenda items prior to the meetings. If a member is unable to attend a meeting, he/she should notify the Chair or the District Manager of the EIRSD in advance unless it is impractical to do so.

Board members shall comply with applicable provisions of the Idaho Code in recusing themselves from participating and/or voting on any issue before the Board when they have a conflict of interest. Legal counsel shall be consulted in those cases that appear questionable prior to any vote being taken on the subject at issue.

The Board acknowledges its overall responsibility to oversee all aspects of the operation and management of the EIRSD. In so doing the President may, at his/her discretion, appoint one or more Board members to oversee specific projects, programs or activities of the EIRSD and to report to the whole Board on such activity. Such oversight will be conducted in close liaison with the Plant Manager.

In the event a quorum does not convene for any of the monthly meetings of the Board of Directors, those who are present are empowered to authorize payment of the routine bills for the EIRSD business and that such bills be paid with review and ratification by a quorum of the Board at a subsequent meeting.

#### **2.3.1. President/Vice President**

The President shall preside at all meetings and hearings of the Board and shall have the duties normally performed by such an officer. The President shall have the privilege of discussing all matters before the Board and of voting thereon and shall sign most official documents of the Board as appropriate. The President shall be the official spokesperson for the Board. In the absence of the chairman at a meeting, the

Vice President or Secretary will officiate the meeting. The Board shall have authority to elect a Vice president. The President of the Board and the Vice President of the Board may also be referred to as the Board Chair and Board Vice Chair.

### 2.3.2. Secretary

The secretary will keep (or oversee the keeping of) a record of all proceedings, minutes of all meetings, certificates, contracts, bonds , and acts; receive (or oversee the receipt of) nomination petitions for Board members; publish (or oversee the publishing of) notices of elections; and arrange (or oversee the arrangement of) elections. The secretary will sign official documents of the Board as appropriate. The Secretary may also serve as Treasurer.

### 2.3.3. Treasurer

The treasurer will keep (or oversee the keeping of) permanent records of all monies received and disbursed by the EIRSD. The treasurer will sign official documents of the Board as appropriate. The Treasurer may also serve as Secretary

## 2.4 Compensation

Each Board member shall be compensated for services rendered at each meeting at a sum not to exceed the amount set in Idaho Code Section 42-3209. No Board member shall be a paid employee of the EIRSD, and no member shall have a personal or financial stake in any contract or transaction with the EIRSD (Idaho Codes Section 42 -3209).

With the exception of meetings, work sessions , hearings, etc. called by the Board itself, Board members will not be compensated for additional meetings without approval of the Board. Members entitled to compensation for such additional meetings must submit a request for compensation in writing. Members attending additional meetings for which they are compensated will provide a report to the Board at the next regularly scheduled meeting.

The purchase of a plaque for Board Members upon leaving favorably is permitted.

## 2.5 Powers of the Board

The Board has the power (Idaho Code Section 42 -3212, 42 -3213, 42 -3214, 42 -3222) to:

- 1) Have perpetual existence;
- 2) Have and use a corporate seal;
- 3) Sue and be sued , and be a party to suits, actions and proceedings;
- 4) Except as otherwise provided in this chapter, to enter into contracts and agreements, cooperative and otherwise, affecting the affairs of the EIRSD, including contracts with

the United States of America and any of its agencies or instrumentalities, and contracts with corporations, public or private, municipalities, or governmental subdivisions, and to cooperate with any one (1) or more of them in building, erecting or constructing works, canals, pipelines, sewage treatment plants, and other facilities within the EIRSD. Except in cases in which a EIRSD will receive aid from a governmental agency, procurement of goods or services shall be in accordance with the provisions of Chapter 28, Title 67, Idaho Code;

- 5) Borrow money and incur indebtedness and evidence the same by certificate, notes or debentures, and to issue bonds, in accordance with the provisions of the Idaho Constitution and State of Idaho statute or Court order;
- 6) Acquire, dispose of and encumber real and personal property, water, water rights, water and sewage systems and plants, and any interest therein, including leases and easements within or without said EIRSD;
- 7) Refund any bonded indebtedness of the EIRSD without an election; provided, however, that the obligations of the EIRSD shall not be increased by any refund of bonded indebtedness. Otherwise, the terms and conditions of refunding bonds shall be substantially the same as those of an original issue of bonds;
- 8) Have the management, control and supervision of all the business and affairs of the EIRSD, and the construction, installation, and maintenance of the EIRSD improvements therein or therefore;
- 9) Hire and retain agents, employees, engineers and attorneys;
- 10) Have and exercise the power of eminent domain as provided by law for the condemnation of private property for public use to take any property necessary to the exercise of the powers herein granted, both within and without the EIRSD;
- 11) Construct and maintain works and establish and maintain facilities across any or along public street or highway, and in, upon, or over any vacant public lands, which public lands are now, or may become, the property of the state of Idaho, and to construct works and establish and maintain facilities across any stream of water or watercourse, and to maintain access to facilities and works by the removal of snow from roads and lands; provided, however, that the EIRSD shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to completely or unnecessarily impair the usefulness thereof;
- 12) Fix and from time to time to increase or decrease sewer rates, charges for services or facilities furnished by the EIRSD, and to pledge such revenue for the payment of any indebtedness of the EIRSD. The board shall fix rates, charges and the time or times for the payment thereof.
- 13) All such rates, charges not paid within thirty (30) days after the date fixed for the payment thereof shall become delinquent; the board shall certify all such delinquent

rates, tolls and charges to the tax collector of the County by the EIRSD, not later than the first day of August and shall be, by said tax collector, placed upon the tax roll and collected in the same manner and subject to the same penalties as other EIRSD taxes; provided, however, that special assessments certified to the tax collector which are placed on property qualifying for a hardship exemption may be returned to the taxing EIRSD from which they originated if the special assessments are not paid within three (3) years.

- 14) The date of priority of such lien shall be the date upon which such charge becomes delinquent. The board shall shut off or discontinue service for delinquencies in the payment of such rates, tolls or charges, or in the payment of taxes levied pursuant to this chapter and prescribe and enforce rules and regulations for the connection with and the disconnection from properties of the facilities of the EIRSD. For health and sanitary purposes the Board shall have the power to compel the owners of inhabited property within a sewer District to connect their property with the sewer system of such District, and upon a failure to connect within sixty (60) days after written notice by the Board, the Board may cause such connection to be made and a lien to be filed against the property for the expense incurred in making such connection, provided, however, that no owner shall be compelled to connect his property with such system unless a service line is brought, by the District, to a point within three hundred (300) feet of the owner's dwelling place;
- 15) To adopt and amend bylaws not in conflict with the constitution and laws of the state for carrying on the business, objects and affairs of the Board and of the EIRSD;
- 16) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this chapter;
- 17) Whenever the Board shall, by resolution, determine that the interest of the EIRSD and the public interest or necessity demand the acquisition, construction, installation or completion of any works or other improvements or facilities, or the making of any contract with the United States or other persons or corporations, public or private, municipalities, or governmental subdivision, to carry out the objects or purposes of the EIRSD, requiring the creation of an indebtedness that will exceed the income and revenue provided for the year, the Board shall order the submission of the proposition of issuing such obligations or bonds, or creating other indebtedness to the qualified electors of the EIRSD at an election held, subject to the provisions of Idaho Code Section 34 -106, for that purpose.
- 18) The declaration of public interest or necessity herein required and the provision for the holding of such election may be included within one and the same resolution, which

resolution, in addition to such declaration of public interest or necessity, shall recite (Idaho Code Section 42-3222):

- a. the objects and purposes for which the indebtedness is proposed to be incurred,
- b. the estimated cost of the works or improvements, as the case may be,
- c. the amount of principal of the indebtedness to be incurred therefore, and the maximum rate of interest to be paid on such indebtedness,
- d. the method of voting for or against the incurring of the proposed indebtedness.

## **3.0 Elections**

### **3.1 Election of Board Members**

The Board of directors will consist of five (5) qualified electors of the director elected at large for six (6) year terms that are staggered, biennially per Idaho Code (Idaho Code Sections 42 - 3207). Elections for directors must be held every two (2) years on the third Tuesday in May. The elections are held by and directed by Bonneville County elections and Bingham County elections dependent on the zone in which said director resides.

### **3.2 Election Not Required**

If after the expiration of the date for filing nominations and declarations of intent by write -in candidates, the number of qualified candidates is equal to the number of directors to be elected, it is not necessary to hold an election. The Board will declare the candidates to be elected (Idaho Code Section 42- 3211).

### **3.3 Vacancies**

The remaining member(s) of the Board fill any vacancies by appointing a new member or members within 30 days of the creation of a vacancy. Appointees serve until the next scheduled election when the vacancy will be filled for the remainder of that term (Idaho Code Section 42 - 3210).

### **3.4 Removal of Board Members**

Board members may be removed by two methods. The District court has the power to remove directors for cause (such as criminal conviction, willful violations of the Ethics in Government Act, or any other good cause shown to a court of proper jurisdiction) after petition, notice and hearing (Idaho Code Section 42 -3209). Directors are also subject to recall (Idaho Code Section 34- 1702(5)).

### **3.5 Ethics in Government Act - Conflicts of Interest**

Board members may not be paid employees of the EIRSD and shall not have a personal or financial interest in any contract or transaction with the EIRSD, except in their official representative capacities (Idaho Code Section 42-3209).

The Idaho Ethics in Government Act applies to directors of EIRSD (Idaho Code Title 74, Chapter 5) b). Both paid employees and Board members are covered by the Ethics in Government Act. They are prohibited from taking any official action, making a decision or formal recommendation on any matter where they have a conflict of interest and have failed to disclose that conflict.

Members of the Board shall comply with the Idaho Ethics in Government Act regarding potential conflict of interest in that the Board must be notified by any director who has or may have a potential conflict of interest. The term "appointing authority" shall be deemed to refer to the Board of Directors and the Idaho Statutes shall otherwise be applied as written.

Other rules and restrictions may be added by the Board so long as they do not conflict with Idaho Code.

## **4.0 Financial**

### **4.1 Audits**

Pursuant to Idaho Code Section 42-3209, The EIRSD Board of Directors shall cause an audit to be made of all financial affairs of the EIRSD during each year ending November 30th as required by Idaho statute. Such audits shall fulfill all requirements set forth in Idaho Code.

### **4.2 Capital Contract**

The Board shall have the power to enter into contracts and agreements, cooperative and otherwise, affecting the affairs of the EIRSD, including contracts with the United States of America and any of its agencies or instrumentalities, and contracts with corporations, public or private, municipalities, or governmental subdivisions, to cooperate with any one (1) or more of them in building, erecting or constructing works, pipelines, sewage treatment plants, and other facilities within and without the EIRSD (Idaho Code Section 42-3212).

EIRSD will have bilateral agreements with all entities with which EIRSD does business by document drafted by legal counsel.

#### **4.3 Procurement of Goods and Services**

Procurement of goods and services shall be in accordance with the provisions of Idaho Code Section 67-2801 et. seq.

#### **4.4 Procurement of Public Works Construction**

Procurement of public works construction shall be in accordance with the provisions of Idaho Code Section 67-2801 et. Seq

#### **4.5 Procurement of Services or Personal Property**

Procurement of personal property shall be in accordance with the provisions of Idaho Code Section 67-2801 et. seq.

#### **4.6 Emergency Expenditures**

The Board may declare an emergency exists and that the public interest and necessity demand the immediate expenditure of public money if it is necessary to do emergency work to safeguard life, health, or property. Upon making a declaration of emergency, any sum required in the emergency may be expended without compliance with formal bidding procedures as allowed by law. (Idaho Code Section 67-2808).

#### **4.7 Sole Source Expenditures**

The Board may declare that there is only one (1) vendor for personal property to be acquired. Only one (1) vendor shall refer to situations where there is only (1) source reasonably available and shall include, but not be limited to, the situations outlined in Idaho Code Section 67-2808.

#### **4.8 Taxes**

In addition to the other means providing revenue for the EIRSD as provided by State Statutes, the Board has the power and authority to levy and collect ad valorem taxes on and against all taxable property within the EIRSD (Idaho Code Section 42-3213).

#### **4.9 Indebtedness**

The EIRSD may incur debt and issue bonds for the purpose of acquiring, purchasing or improving sewer sites, and acquiring or constructing new sewer facilities. The Board may submit to the qualified electors of the EIRSD the question of whether the EIRSD shall be empowered to issue negotiable bonds in an amount and for a period of time to be named in the notice of election. All provisions of Idaho Code Section 42-3218D shall apply to this process.

Alternatively, the Board shall be empowered to seek Judicial Confirmation and Court order allowing indebtedness as allowed by Idaho statute.

#### 4.10 Management

- 1) Depository. EIRSD funds shall be deposited exclusively in financial institutions, instruments or investments which: (1) are approved by the State of Idaho as a depository qualified investment for public funds, and (2) have been approved by the Board. The EIRSD shall not have more than one bank account, unless approved by the Board, and all accounts shall be interest-bearing accounts.
- 2) Receipts. All moneys received by the EIRSD, regardless of source, shall be deposited in the bank to the credit of the EIRSD no less often than weekly. All funds received shall be recorded in the accounting system in a manner that identifies who the payer was and for what service or purpose. Funds retained in the office temporarily pending deposit shall be safeguarded in a manner approved by the Treasurer.
- 3) Accounting. The EIRSD's accounting system shall show, at a minimum, the costs of operation and maintenance of its Sewer System, the costs of office administration, the costs of salaries and benefits, the costs of capital projects, the costs of funded depreciation, the balance in any bond sinking fund and the costs of other miscellaneous expenses.
- 4) Investments. Funds in excess of the short-term needs of the EIRSD may be invested in the "State Pool" or other federally insured institution as otherwise authorized by law and approved by the Board.
- 5) Disbursements. Payments for services and supplies may be made when presented subject to monthly confirmation by the Board. All payments are to be recorded in the accounting system in a manner that permits the identification of the payee, the amount and date of payment, the check number, and, absent an invoice, the reason for the payment. All checks for the disbursement of EIRSD funds shall require two signatures, one of which shall be a Board member.
- 6) Record Retention. Records of the EIRSD shall be classified and retained in accordance with Idaho Code § 50-907.
- 7) Payrolls. It is the responsibility of the District Manager to verify the names on each payroll listing prior to payment.
- 8) Real Property. The Manager is responsible for the safekeeping of all deeds, easements, instruments, and other records concerning real property that the EIRSD owns or holds a legal interest in together with maps showing the location, size and type of all sewer lines and other underground capital assets.
- 9) Personal Property Management. The EIRSD shall maintain a listing showing the location of the personal property assets of the EIRSD with an original purchase price of five hundred dollars (\$500.00) or more. This will include, but is not limited to, office furniture and machines, computers, electronic equipment, tools, and other items meeting the criteria. Property that is no longer needed for the purposes of the EIRSD



may be disposed of in the manner approved by the Board or as required by Idaho statute.

- 10) EIRSD Accounts. Financial accounts owned by EIRSD are to be modified to include only Board Member signatures. The Manager's signature shall be on the expense account with Board authorized deposits.

#### **4.11 Funds**

Improvement Fund to be supervised and managed by the EIRSD Treasurer. All sewer service connection fees and sewer main fees collected under this chapter shall be deposited into said Fund and shall be distributed only for the purposes set forth below.

Disbursement of Funds: Disbursements may be made from the Sanitary Sewer Capital Improvement Fund for the following purposes only:

- 1) Capital improvements to the sanitary treatment facilities.
- 2) Main Extensions and Lift Stations to the sanitary sewer system, including lateral, mains and interceptors.
- 3) Payment of principal and interest on any general obligation or revenue bond or bonds issued by EIRSD to defray the cost of construction, extension or improvement of the sanitary sewer system.
- 4) Reimbursement of sewer main fees to a developer who has constructed a sewer main or any portion thereof for which sewer main fees have been collected from any other property owner served by such sewer main and who is entitled to reimbursement based on a separate, legally enforceable, reimbursement agreement entered into between EIRSD and the developer.

## **5.0 Meetings and Hearings**

### **5.1 Public Meetings**

The Board will hold a meeting at least once a month on such date and at such time and place as is determined by the Board. Special meetings may be held as needed if notice is given to each member of the Board. At any meeting, three (3) members constitute a quorum (Idaho Code Section 42-3210).

In general, Roberts Rules of Order shall govern the conduct of all meeting and hearings except to the extent that it conflicts with Idaho Code or the bylaws, policies, or procedures as adopted by the Board.

The Idaho Open Meeting Law applies to all meetings of the EIRSD Board (Idaho Code

Title 72, Chapter 2). The Board may allow open comment from the public at regular Board meetings. The Board may limit such comments to a reasonable time of not to exceed 5 minutes. The Board may restrict such comments to matters before the Board.

Written minutes must be taken at all meetings. The minutes must include the names of all Board members present, all motions, resolutions and orders proposed and the disposition made of them, the results of all votes and upon request of a Board member, the votes of each member by name

(Idaho Code Section 67-2344).

## **5.2 Meeting Notifications**

Notice of meetings must be given at least five (5) calendar days prior to the meeting. This notice requirement may also be satisfied by posting an annual schedule of regular meetings in which event, the notice of agenda must be posted forty-eight (48) hours prior to any meeting.

Additional items may be added up to the time of the meeting. These requirements may be satisfied by posting notices at the principal office of the EIRSD or at the building where the meeting is to be held. Twenty-four (24) hour meeting and agenda notice must be given for special meetings unless an emergency exists (Idaho Code Section 67-2343).

If an executive session only will be held, a twenty-four (24) hour meeting and agenda notice shall be given, unless an emergency exists.

## **5.3 Agenda Items**

Anyone having business before the Board may request an issue be put on the agenda and given time to conduct his/her business at the next Board meeting. Anyone wishing to place an item on the agenda should notify the EIRSD District Manager at least forty-eight (48) hours before the Board meeting.

Persons wishing to address the Board shall provide the Board with the nature of his/her business as well as the name of the person requesting to speak. Items on the agenda shall be in the nature of business officially concerning the Board and normally conducted by the Board on behalf of the EIRSD. Any items that require Board action must be properly placed on the agenda. Items not pertinent to the EIRSD or the business of the Board are not appropriate for the agenda. In the event that the administrator is unavailable, any member of the Board may accept a request for an item to be placed on the agenda. The Board at its discretion may restrict matters or subjects from the agenda that it considers offensive, abusive or otherwise

inappropriate. The Board may also reasonably restrict the length of comments in the interest of time not to exceed 5 minutes.

#### **5.4 Public Comments**

The Board may, at its discretion, allow a period for public comments following the normal business of a Board meeting. This is intended as a time for patrons to express interests or concerns that do not fall within the normal business of the Board or that do not require action by the Board. They may include comments or questions about the Board, the EIRSD, or other matters pertaining to the EIRSD which are of interest to the patrons of the Board. This comment time is not intended to provide a forum for offensive subjects or personal attacks and comments shall not be abusive or slanderous in content or nature. The Board, at its discretion, may restrict certain matters or subjects from comment in the public comments portion of the meetings. The Board may also reasonably restrict the length of the comments in the interest of time not to exceed 5 minutes.

#### **5.5 Executive Sessions**

The Board may hold executive sessions that are closed to any persons upon two-thirds recorded vote of the members for the following reasons (Idaho Code title 72, Chapter 2):

- 1) To consider personnel matters such as hiring, evaluation, dismissal, disciplining or hearing complaints brought against an employee or individual agent;
- 2) To conduct deliberations concerning labor negotiations or acquisition of real property not owned by a public agency;
- 3) To consider records that are exempt from disclosure as provided in Idaho Code Sections 9-337 through 9-350;
- 4) To conduct labor negotiations; and/or
- 5) To consider and advise legal representatives in pending litigation or where there is general public awareness of probable litigation.

Minutes of executive sessions may be limited to prevent disclosure of protected material but must contain sufficient detail to convey the general tenor of the meeting (Idaho Code Title 72, Chapter 2).

#### **5.6 Communication with EIRSD Patrons**

The Board will make every practical effort to inform EIRSD patrons regarding important events and information such as time and place of Board meetings, special Board meetings, public hearings, substantial changes in EIRSD policies or procedures, elections, and other events or information directly concerning the EIRSD and its patrons. Such communication to patrons may include direct mailings, notices posted in the newspaper, notices posted at the EIRSD office, notices and information posted on an internet web site, or any other effective means of

notification. Such notices may be in addition to any notifications required by law. The Board may initiate and maintain an internet web site for the benefit of the EIRSD.

### **5.7 Public Records Request**

Idaho State statutes will be followed for Public Record Requests. A public records request includes, but is not limited to, written documents and electronic files containing information relating to the conduct or administration of the public's business prepared, owned, used or retained by EIRSD. Under the Idaho Public Records Law Manual, the public can request in writing to examine or copy these types of public records.

## **6.0 Administration Operations**

### **6.1 District Manager**

The position of District Manager (Manager) shall be under the direction of the President and the Board. The Manager is employed by and serves the EIRSD at the pleasure of the Board, consistent with the provisions of Idaho law, and may be reassigned or terminated by a majority vote of the Board present and voting at any regular or special meeting of the Board. He/she shall be custodian of all business records of the EIRSD; and shall report monthly to the Board the status of financial affairs of the EIRSD and the current accounts payable.

### **6.2 Legal Counsel**

The powers and duties of the Board of Directors include retaining legal counsel for the purpose of advising the Board as to legal matters relating to the EIRSD. At the direction and discretion of the Board, legal counsel may attend meetings, take and produce meeting minutes, correspond and communicate with third parties regarding EIRSD matters, advise the Board in open meetings and executive sessions, and represent the interests of the EIRSD as directed by the Board. The Board may also retain legal counsel to represent it and the EIRSD in all legal action brought by or against the EIRSD.

### **6.3 Citizen Advisory Committee**

The Board may organize a volunteer Citizen Advisory Committee, pursuant to Idaho Code 42-3212(n), to facilitate the dissemination and gathering of information pertinent to the EIRSD and the Board. Such Committee shall be advisory in nature without authority or vote except as shall be granted by the Board. Members of such Committee may be appointed by the Board, nominated or self-nominated. The Board must ratify all members of such Committee.

## 7.0 Administration Services

### 7.1 New Service Connections

It is the policy of EIRSD that no parcel located outside the EIRSD boundary be allowed to make a new connection to EIRSD's system until the parcel is first annexed into EIRSD following the procedures outlined in Section 7.2 unless the parcel is part of a separate sewer district that is already served by EIRSD or that is approved to be served by EIRSD by the EIRSD Board of Directors.

The EIRSD has established a system of connection, permit and inspection fees, industrial cost recovery charges, periodic service and other charges for the use of the Sewer System and for service rendered by the EIRSD and such charges, rates, and fees shall be as uniform as possible in application to the different classes of property served by the Sewer System. The rates, charges and fees are levied and assessed against each lot, parcel of land, building or property having any connection to the Sewer System of the EIRSD and shall be billed to and paid by the owner of each lot, parcel of land, building or property served by the Sewer System.

#### 7.1.1. Application

**Property inside City of Shelley or City of Ammon:** For property owners living within annexed properties of the City of Shelley or the City of Ammon, the application shall be submitted through the respective city at the time of the application for city building permits.

**Property outside city limits of the City of Shelley or City of Ammon:** Any property owner desiring to connect to the Sewer System must first make application to the EIRSD. The applicant will be advised of any plans, specifications or other information required by the EIRSD as well as the required inspections. The EIRSD will determine the fee that must accompany the application based on the appraisal of the application, the number of ERU's approved, and the fee schedule used by the EIRSD at the time of application. The fee schedule is listed in the Exhibit B hereto. Exhibit B may be amended from time to time as provided for by the Board.

All applications for service connections shall be made in writing on a form provided by the EIRSD for that purpose by the applicant or authorized agent of the applicant for the premises to be served. In the application, the applicant shall specify with particularity the parcel of real property to be serviced by the sewer service connection, and, if the application is approved by the EIRSD, the sewer service connection may only be used for the parcel described in the application.

The sewer service connection permit may not be sold by the applicant or transferred to any other parcel of real property; provided, however, that, upon written application and written approval by the EIRSD, the EIRSD may approve a transfer of the sewer service connection for the same or similar use on another parcel of real property owned by the applicant; and, provided further that upon written application to, and approval by, the EIRSD, the applicant may sell the sewer service back to the EIRSD, but in no event shall the applicant receive any payment or other consideration in excess of what the applicant paid for the sewer connection. Where the EIRSD has mains of sufficient size in place along the street or road adjacent to the applicant's premises to furnish the service desired, the service connections may be installed if the EIRSD has sufficient available capacity.

Connection Permits will not be issued until all applicable fees have been paid in full. The makeup and total amount of all fees shall be established by the EIRSD at the time the application is filed.

#### 7.1.2. Connection Fees

The owner, or his agent, of all properties connecting to the Sewer System of the EIRSD shall pay connection fees for each ERU as may be assigned to the property by the EIRSD. The connection fees shall be paid for the right to connect to and use the Sewer System of the EIRSD.

No person shall uncover, use, alter or disturb any public sewer or appurtenance thereof nor make any connections thereto without first filing for and obtaining a EIRSD permit.

Commercial and Industrial (non-residential). Connection fees for each ERU shall be paid with the building permit application. Commercial and Industrial fees shall be determined by the type of use and the number of ERU's required for the business.

Any individual or entity that does not pay the capacity replacement fee to the EIRSD prior to obtaining a building permit or that has hooked into EIRSD lines without prior authorization through payment shall be assessed twice the regular amount and will accrue interest at the rate of 18% per annum. The Board may further order said individual or entity to disconnect. The EIRSD will be entitled to recover all costs, attorney fees and expenses associated with enforcing this policy and recovering unpaid connection fees and/or monthly service fees.

#### 7.1.3. Costs /Indemnity

All costs and expenses incident to the construction, installation and connection of a building or structure to a sewer, including the construction or installation of a sewer service line and service connection, shall be borne by the owner. The owner shall indemnify and hold harmless the EIRSD from any loss or damage that may directly or indirectly be occasioned by the

installation of the building sewer, the sewer service line and the sewer connection, and the marking of the service connection for record . A person seeking a permit to connect to an EIRSD line shall sign an Indemnification Agreement.

All service line and connections to the EIRSD Sewer System shall comply with the provisions of the latest edition of the Uniform Plumbing Code and EIRSD's Standard Specifications and Details. Property owners shall be held accountable for sewer service lines and sewer connections . The service for impediments or repairs in the sewer line between property owner and the EIRSD connection is the responsibility of the property owner. If repairs are required in the EIRSD lines, the EIRSD would then be responsible.

The property owner may contact a service provider of his or her own choosing to investigate where the impediment is and then report to the EIRSD so the EIRSD shall have the opportunity to investigate. The result of the location would depend upon who would pay the charges.

#### 7.1.4. Exclusive Permit

A sewer connection permit issued by the EIRSD is for the exclusive use of the premises designated in the permit. No person granted a permit shall allow another person from on or off the premises described in the permit to discharge sewage into the Sewer System at the permitted connection, nor to allow any additional connections to the System.

#### 7.1.5. Monthly User Charge

The monthly user charge for the Sewer System shall be established by the Board as a flat fee to be charged per month per each ERU. The fee may be changed from time to time by the Board in compliance with applicable state law for amending rate schedules (see Exhibit A). Said Exhibit A may from time to time be amended.

All monthly sewer charges shall be due and payable to the EIRSD between the first (1st) and tenth (10th) day of each month.

- 1) New construction connected to the Sewer System shall begin on the first day of the month following the issuance of the building permit.
- 2) New construction homes that have never been occupied and have water service disconnected may request suspension of billing.
- 3) New construction homes built by private individuals who are constructing their own private homes may request a month to month extension on billing if services are not being utilized.
- 4) All fees shall be charged to the owner of record of the real property served or its designated property manager/agent/developer/builder. Accounts can be billed to

tenants provided that the owner on record or property manager makes this request. It is understood any past due amounts will be subject the Delinquencies policy.

The obligation to pay the EIRSD monthly sewer use charge shall continue on a monthly rate regardless of occupancy. Home based businesses will not be billed separately.

Additional connections to private lateral lines for personal noncommercial use are not allowed.

Patrons are informed that Bonneville County and Bingham County or other city ordinances must be followed and are applicable.

#### 7.1.6. Vacant Homes, Apartments or Mobile Home Spaces

Once a building, home, apartment or mobile home space connected to the Sewer System has been occupied, the EIRSD shall continue to assess and bill the applicable monthly user charge regardless of whether or not the same remains occupied.

When a property structure is removed, torn down or demolished, the monthly billing shall be disconnected but the account will remain open to maintain record of connection. If a building with a sewer service connection is vacated and no longer in use with intent to demolish the building, the charges stop at the vacation of the building. If such building is returned to use, the back charges which were abated, for a period of up to two years shall be assessed and charged when service resumes. If billing continues on an uninhabitable property, the owner may request a refund for a period of up to 12-months so long as proof of uninhabitability and payment are provided.

#### 7.1.7. Delinquencies

Any sewer charge not paid by within 30 days after the due date (10th day of the month) shall be deemed delinquent.

- 1) The EIRSD shall assess a late fee if the account balance is greater than the monthly fee and is not paid current by the 15th day following the billing period. The late fee will be established by the EIRSD Board and will be assessed for each equivalent connection for each month the account appears on the "Delinquent Account" report.
- 2) All delinquent charges or fees may also be imposed as a lien upon the property against which such charge or fee is assessed, and the Secretary may certify such delinquencies together with all penalties to the Treasurer of Bonneville County, Idaho or the Treasurer of Bingham County, Idaho When so certified, the lien will be collectable as other taxes.



#### 7.1.8. Denial of Application for New Connection

No new development may take place within the current or future boundaries of the EIRSD (whether inside or outside a city) without approval of the Board of Directors.

No development may occur without the Board approval which:

- 1) The EIRSD reasonably determines will work an undue hardship on the EIRSD or its existing users; including but not limited to all effluent only discharges.
- 2) Is for one service connection to serve more than one (1) building or premises except in specific instances as defined in these rules and regulations.
- 3) Which permit connection to any service, main or other appurtenances, which the EIRSD reasonably determines, does not conform to good engineering design or meet the standard specifications of the EIRSD.
- 4) Permits any new car washes.
- 5) Permits installation of additional RV dumps.

#### 7.2 Annexations

Any property owner may petition the EIRSD Board of Directors for annexation into the EIRSD in accordance with the procedures established by the EIRSD.

- 1) Proposed annexations will be reviewed by the EIRSD for impacts to the entire sewer service area and system and capacity.
- 2) The petitioner must pay an annexation fee and agree to the Terms and Conditions of Annexation imposed by the Board of Directors.
- 3) Sewer service to the annexed lands must meet all EIRSD specifications and comply with the Facility Plan, and
- 4) The Board retains sole discretion to approve, approve with conditions, or deny any annexation petition based on its determination of the best interests of the EIRSD.
- 5) If the owner is requesting a de-annexation or exclusion from the EIRSD the process is the same as an annexation. A petition and fee must be submitted.

#### 7.3 Service Connection Cleaning

Connection or request for connection to the EIRSD sewer shall constitute a representation that all of the system under the control and/or ownership of the user is properly vented, and an authorization for the EIRSD to clean the same with high-powered washing equipment, and a release whereby the EIRSD shall not be liable to the user for any damage caused by such cleaning.

#### **7.4 Industrial Users and Fee**

The EIRSD maintains separate specifications and pretreatment regulations, as well as separate fee and cost recovery schedules for certain non-residential and industrial users. Those contemplating an application for such use of the EIRSD's Sewer System should contact the EIRSD office for specific information and costs.

#### **7.5 Commercial Users and Fee**

Commercial users (anything other than residential) shall be charged on the estimated use per the Commercial Fee Structure. For business with multiple units, each unit will be assessed a connection and monthly user fee. The commercial fee schedule is listed in Exhibit A, which may be amended from time to time by the Board.

The EIRSD Board of Directors allows any commercial customer not in agreement with the estimated monthly rate the ability to appeal. Appeals are to be submitted to the EIRSD office in writing with proof of actual average annual water usage. EIRSD also reserves the right to request actual average annual water usage if the Commercial Fee Structure does not provide an estimated rate for the type of business or if the estimated rate does not seem appropriate.

#### **7.6 Injury to Sewerage System Unlawful**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewerage works. It shall be unlawful for any person to deposit any garbage, rubbish, animals, chemicals or other substances at any unauthorized entry point into the system or which may damage the sewer system or the membrane system or any other substance having a tendency to obstruct the flow in any manhole, cleanout or sewer opening.

#### **7.7 Compulsory Connection**

Bonneville County ordinances and Bingham County ordinances require any owner, tenant or occupant of land within the County of Bonneville and the County of Bingham, upon which a building is constructed for residential, commercial or industrial use, within 300 feet of any sanitary sewer line, to connect building with the sewage collection system.

Discharge of untreated sewage into the underground aquifer from any use is deemed a hazard to the health, safety and well-being of the residents of Bingham County and Bonneville County. It is in the best interest and for the safety, health and welfare of the residents of said counties that sewage collection lines in close proximity of the users be connected.

## **8.0 Main Extensions and Lift Stations**

### **8.1 Main Extensions and Lift Stations**

All proposed Main Extensions and Lift Stations of the EIRSD Sewer System to serve undeveloped areas within the existing EIRSD boundaries, newly annexed areas, or areas outside the EIRSD boundaries shall meet the requirements of EIRSD's Design and Standards Manual. All costs for all Main Extensions and Lift Stations shall be the responsibility of the property developer/owner. Cost for Main Extensions and Lift Stations within the property for which the extension is requested shall also be the responsibility of the developer/owner.

The design policies and procedures detailed in EIRSD's Design and Standards Manual provide guidelines for sewer pump stations designed and built by others for eventual acceptance and operation by the EIRSD. Design shall be in accordance with these policies and procedures unless otherwise permitted by EIRSD's authorized representative. EIRSD reserves the right to add to or modify these guidelines to address site-specific issues.

A Development Agreement between EIRSD and the Developer may be entered into and adopted. The Developer will dedicate the easements and rights-of-ways to the EIRSD where necessary for maintenance, replacement, repair and operations of the sewer lines and lift stations. The EIRSD will consider acceptance of the said lines for maintenance at such time as a certificate of completion by authorized inspector is furnished and after the warranty period.

### **8.2 Application and Payment Procedure**

As security for the administrative close-out of each line extension, a person requesting approval from the EIRSD for a line extension or lift station of the EIRSD's system (an "applicant") shall complete the EIRSD's Application for Sewer Connection. At the time of the application with the EIRSD, the applicant shall deposit with the EIRSD cash or certified funds as noted in Exhibit B . This deposit will be held by the EIRSD as security for the applicant completing the EIRSD's administrative close-out and all requirements outlined in the Development Agreement

### **8.3 Newly Developed Areas**

All newly developing areas which are within City of Shelley or City of Ammon city limits shall comply with all city requirements and ordinances.

All newly developing areas which are not within the city limits of the City of Shelley or the City of Ammon shall generally be required to form a separate sewer district that shall then contract with EIRSD for transmission and treatment. Said areas shall comply with the applicable ordinances or requirements of Bonneville County or Bingham County.

#### **8.4 Plans**

Construction plans for all Main Extensions and Lift Stations to the Sewer System trunk lines shall be prepared and signed by a licensed Idaho Professional Engineer. Plans and submittals shall comply with EIRSD's Design and Standards Manual. Copies of the plans shall also be filed with the Idaho Department of Environmental Quality for its review and approval as required by Idaho law. Plan Checking fees shall be paid at the time of plan submittal as noted in Exhibit B.

#### **8.5 Basis of Design Request**

For proposed main extensions and lift stations, a Basis of Design report shall be submitted to EIRSD in accordance with the requirements of EIRSD's Design and Standards Manual.

#### **8.6 Special Conditions**

In approving a plan for extension to the EIRSD Sewer System, the EIRSD reserves the right to stipulate other requirements such as a special permit fee or time limits for having existing service disrupted and other similar measures as may be required to protect the public interest. No work shall commence on any extension of the EIRSD Sewer System until the EIRSD has approved the extension project.

#### **8.7 Inspections**

A EIRSD representative shall make all inspections, authorize taps, specify special requirements, and enforce these policies. Calls for inspection of sewer tap in shall be made at least forty-eight hours in advance. Notices given on Saturday, Sunday, or holidays will not be accepted. Calls for inspections and matters pertaining to methods of construction shall be to the EIRSD representative. Any damage to sewer mains causing failures shall be repaired at the owner's expense. An inspection fee shall be payable to EIRSD prior to inspection. (See Exhibit B)

#### **8.8 Certifications**

After the construction of any EIRSD Sewer System trunk line Main Extensions and Lift Stations, it shall be the obligation of the owner, or his agent, to have a licensed Idaho Professional Engineer certify to the EIRSD and to the Idaho Department of Environmental Quality that the System Main Extensions and Lift Stations were installed in accordance with the approved plans and specifications, including all approved change orders thereto, on file with the respective agencies. The applicant shall maintain the line extension to the standards of the EIRSD during the applicant's ownership of the line extension.

The applicant shall be the owner, and shall be responsible for all repair, replacement and maintenance, on the extension for a period of two (2) year. Prior to the EIRSD finally accepting the extension, the two-year ownership by the applicant shall have elapsed, and the applicant

shall have thoroughly washed the extension to allow the EIRSD to make a television inspection of the extension. Prior to accepting the proposed extension to the EIRSD sewer system, the applicant shall provide all submittals required by EIRSD's Design and Standards Manual.

### **8.9 Warranty Period for Sewer Main Extensions and Lift Stations**

Following certification by a licensed Idaho Professional Engineer and after the EIRSD has issued written verification that the newly installed extension has passed all the required tests; the entire extension of the Sewer System trunk line acquired by the EIRSD shall begin a two-year warranty period.

The two-year warranty period shall begin from the date of the EIRSD's acceptance letter.

- 1) The developer/owner shall warrant and guarantee that all lines and facilities constructed by the developer/owner are constructed according to the requirements of the EIRSD, and in conformance with all applicable codes and standards governing such construction and shall further warrant and guarantee that such facilities are free from construction defects.
- 2) Any repairs necessary to correct construction and /or material defects, within the two-year warranty period, shall be the obligation of the developer /owner and performed at their expense whether or not the actual corrective work required was performed by the developer /owner, the EIRSD, or a contractor retained by the EIRSD.

When the two-year warranty period expires the Developer agrees to dedicate and convey lines to ownership of the EIRSD. The EIRSD shall take sole responsibility for the maintenance, repair and operation of the extension.

### **8.10 Record Plans**

EIRSD, prior to acceptance, requires one (1) set of reproducible record drawings along with a computer disk or digital file containing a CAD format file and one PDF copy within thirty (30) days of a sewer extension project's completion with signatures. Drawings shall provide actual surveyed coordinates and elevations for all above ground features including centerline of manholes.

### **8.11 Property of the EIRSD**

Following certification of completion by the licensed Idaho Professional engineer as noted in "Certifications" above and acceptance by the EIRSD, the entire extension of the Sewer System trunk line, including all sewer lines (but expressly excluding Private Sewer System Lines), shall become the property of the EIRSD, subject to the two-year warranty period as defined in the

Development Agreement, and it shall be the EIRSD's responsibility to maintain and operate the System thereafter.

### **8.12 Line Over Sizing**

The EIRSD may require line sizes greater than outlined in an accepted feasibility study provided and paid for by the developer. In the event EIRSD determines that a larger line is needed, EIRSD will pay incremental cost of materials but not for construction thereof.

### **8.13 Interceptors**

Grease, oil and sand interceptors shall be provided, operated, and maintained in accordance with the requirements of EIRSD's sewer ordinance when, in the opinion of the EIRSD, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the EIRSD and shall be located as to be readily accessible for cleaning and inspection.

These interceptors shall be adequately maintained by the owner at his or her expense and are subject to periodic inspection by the EIRSD.

### **8.14 Reimbursement Agreements**

In the event of trunk line extension that serves more than the specific development, the EIRSD may enter into a reimbursement agreements which shall provide for a maximum payback period often (10) years after the effective date of the reimbursement agreement. Upon the expiration of the maximum payback period, all reimbursement rights held by the developer or owner under the reimbursement agreement shall terminate.


### **8.15 System Operation and Maintenance**

It is the policy of the EIRSD to keep the entire Sewer System including all EIRSD owned sewer lines, manholes, lift stations, treatment facilities and pumping equipment and rolling stock in efficient and effective condition and functioning according to applicable environmental standards. Any substances, materials, waters or wastes that appear likely, in the opinion of the EIRSD, to harm the sewer system shall not be permitted. In forming its opinion as to the acceptability of such wastes, the EIRSD will consider such factors as the quantities of subject wastes in relation to the flows and velocities in the sewers, materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors.

## 9.0 Approval


SO ORDERED THIS 26<sup>th</sup> day of March 2024.

Eastern Idaho Regional Sewer District



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Board Member




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Board Member



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Board Member



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Board Member



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Board Member

**Exhibit A - EIRSD EQUIVALENT RESIDENTIAL UNIT (ERU) SCHEDULE**





## EASTERN IDAHO REGIONAL SEWER DISTRICT EQUIVALENT RESIDENTIAL UNIT (ERU) SCHEDULE

**CUSTOMER:**  
**Contact:**  
**Street Address**  
**City, State, Zip**  
**Phone No.**  
**Approved:**

**Reviewed:**

ERU SCHEDULE AND ERU CALCULATOR					
USER TYPE	DESCRIPTOR	EVALUATION UNIT	NUMBER OF UNITS	EQUIVALENT UNIT ERU	CALCULATED EQUIVALENT UNITS ERU
<b>Residential Dwelling</b>					
Single Family Home		Single Home		1.000	0
Mobile Home		Single Mobile Home		1.000	0
Multi-plex Unit		Single Living Unit		1.000	0
Apartment		Single Apartment		1.000	0
<b>Commercial Residential</b> <span style="float: right;">Minimum of 1 ERU Rounded Down if Decimal is Below 0.25 and Rounded Up if Above 0.25</span>					
Hotel		Room		0.250	0
Motel		Room		0.250	0
Motel/Hotel with Kitchenette		Room		0.500	0
Boarding /Rooming House/Bed & Breakfast		Home		1.000	0
plus Bed Space		Bed space		0.250	0
<b>Institutional</b> <span style="float: right;">Minimum of 1 ERU Rounded Down if Decimal is Below 0.25 and Rounded Up if Above 0.25</span>					
Church/Assembly Hall/ Meeting House	no Kitchen/Food Serving Area	Occupant		0.010	0
Church/Assembly Hall/ Meeting House	with Kitchen/Food Serving Area	Occupant		0.020	0
Clinic/Massage/Spa		Establishment		1.000	0
plus Employees*		Person		0.040	0
Hospital		Bed space		0.500	0
plus Kitchen		Bed space		0.070	0
plus Laundry		Bed space		0.125	0
Extended Care Center/Nursing or Rest Home		Bed space		0.330	0
Daycare Facility**		Child/Student/Employees*		0.040	0
School	with Cafeteria and Gym	Student		0.050	0
School	With Cafeteria only	Student		0.033	0
School	No Cafeteria or Gym	Student		0.025	0
School	Resident Staff	Employee		0.125	0
School	Non-resident Staff	Employee		0.050	0
<b>Food Service</b> <span style="float: right;">Minimum of 1 ERU Rounded Down if Decimal is Below 0.25 and Rounded Up if Above 0.25</span>					
Restaurant - with Seating		Seat		0.100	0
Restaurant - Fast Food (paper plates and cups)		Seat		0.050	0
Restaurant - Drive Thru Only		Establishment		2.000	0
Drinking Establishment		Seat		0.063	0
Dining Hall		Seat		0.063	0
<b>Commercial</b> <span style="float: right;">Minimum of 1 ERU Rounded Down if Decimal is Below 0.25 and Rounded Up if Above 0.25</span>					
Service Station/Convenience Store	No Public Restroom	Establishment		1.000	0
	with Public Restroom	Public Restroom***		1.500	0
	with Food Preparation Facilities	Additive category		1.000	0
Bowling Alley		Lane		0.400	0
Barber/Beauty Shop		Seat		0.330	0
Laundry Self Service		Washer		0.250	0
Public Transportation Terminal	with Private or Public Restroom	Restroom***		1.500	0
Garage or Maintenance Shop		Service Bay		0.250	0
Car Wash - Conveyor (Tunnel Auto)	reduce # of bays by 50% if recycling	Bay		8.400	0
Car Wash - In-bay (Touchless Auto)	reduce # of bays by 50% if recycling	Bay		10.300	0
Car Wash - Self-serve (Wand)	reduce # of bays by 50% if recycling	Bay		3.000	0
Grocery Store		Employee		0.050	0
plus Butcher Shop		Establishment		2.000	0
plus Public Rest Room		Public Restroom***		1.500	0
Shopping Center/Mall (No food or laundry)	Addition to Individual shop category	Parking Space		0.004	0
plus Public Rest Room		Public Restroom***		1.500	0
Retail Store		Employee*		0.040	0
plus Public Rest Room		Public Restroom***		1.500	0
Fitness Center/Club	with Private or Public Restroom	Restroom***		1.500	0
plus Showers		Shower		0.500	0
Theatre - Auditorium		Seat		0.010	0
Theatre - Drive-in		Space		0.033	0
Other Performing Arts building	with Private or Public Restroom	Restroom***		1.500	0
Warehouse (Dry Goods)		Employee*		0.040	0
plus Showers		Employee		0.100	0
Contracted Services		Employee		0.040	0
plus Showers		Employee		0.100	0
Offices		Employee*		0.040	0
Factory/Dry Goods Manufacturer		Employee*		0.040	0
plus Showers		Employee		0.100	0
plus Cafeteria		Employee		0.100	0
Dance Studio (evening sessions only)	If all day sessions, assess as School	Establishment		1.000	0
<b>Recreational and Public Service</b> <span style="float: right;">Minimum of 1 ERU Rounded Down if Decimal is Below 0.25 and Rounded Up if Above 0.25</span>					
Fairground (peak day attendance)		Person		0.007	0
Arcade	with Private or Public Restroom	Restroom***		1.500	0
Amusement Park (peak day attendance)		Customer		0.007	0
Trailer Camp	RV Hookup	Space		0.400	0
Campground	Toilet/no Shower	Space		0.200	0
Campground	Toilet and Shower	Space		0.330	0
RV Facility	Dump Station	Station (Engineer Review Recom.)		5.000	0
Stadium		Seat		0.010	0
Swimming Pool		Person		0.040	0
Rest Area	Toilets	Person		0.025	0
Rest Area	Toilets & Showers	Person		0.100	0
Public Rest Room		Public Restroom***		1.500	0
<b>Industrial</b> <span style="float: right;">Minimum of 1 ERU Rounded Down if Decimal is Below 0.25 and Rounded Up if Above 0.25</span>					
Designed or Calculated flow		gpd per ERU value (max month)	218	0.00	0
Assigned ERU value shall be the highest calculated value based on max month values relative to residential values for flow (200 gpd, BOD (350 mg/L), or TSS (350 mg/L))					
<b>Misc. Category</b> <span style="float: right;">Minimum of 1 ERU Rounded Down if Decimal is Below 0.25 and Rounded Up if Above 0.25</span>					
Designed or Calculated flow		gpd per ERU value (max month)	218	0.00	0
<b>TOTAL CALCULATED ERU VALUE</b> <span style="float: right;"><b>0</b></span>					

\* Due to rounding in the calculations, all employees will round up when the decimal is at 0.24 (6 employees)

\*\*Minimum of 1 ERU assessed if a stand-alone business. If daycare facility is a private in-home facility, then residence is assessed 1 ERU and the minimum ERU does not apply. Additional ERUs are assessed starting at 6 children/students/employees. Please note that the worksheet will assess 1 ERU at below 6 children/students/employees - if this is the case, ERU = 0; at 6 children/students/employees and above follow the worksheet calculation.

\*\*\*See definition of Restroom and differentiation between "private" and "public" restroom on the Reference tab under Recreational and Public Service / Public Restroom.

## **Exhibit B - BASIC FEE STRUCTURE**

**Exhibit B  
BASIC FEE STRUCTURE**

Monthly Rate per 1 ERU	
City of Ammon and City of Shelley customers	\$14.09
County customers (non-City of Ammon and City of Shelley customers)	\$46.48
Connection Fee per 1 ERU	\$5,639.00
Miscellaneous Fees	
Capacity Surcharge Fee (until completion of plant expansion)	\$582.00
Connection Permit Application Review , Residential	\$300 plus \$50 per estimated# of ERUs
Connection Permit Application Review, Commercial	\$300 plus \$50 per estimated# of ERUs
Connection Permit Application Review , Industrial	at actual costs of reviews incurred by EIRSD
Plan Review, residential (2 reviews)	\$300 plus \$15 per lot
Additional Reviews for Residential and Commercial submittals (after initial two reviews)	at actual costs of reviews incurred by EIRSD
Service Fee outside of EIRSD	2 times the regular rate for other EIRSD customers
Inspection Fee (mainline connection)	\$200.00
Late Pay Fees	1.5% per month of past due amount

***The above fee structure covers only EIRSD's fees and does not include additional fees that may be charged by other contributing entities including but not limited to the City of Shelley and the City of Ammon.***

***THE ABOVE RATES AND FEES MAY BE AMENDED FROM TIME TO TIME BY THE EIRSD BOARD. CONTACT THE EIRSD DISTRICT MANAGER FOR THE CURRENT RATES AND FEES.***

Adopted  
12/20/2022

**Exhibit C - COMMITMENT OF SERVICE POLICY**



## Exhibit C – EIRSD Service Policy

### Eastern Idaho Regional Sewer District

The following represents Eastern Idaho Regional Sewer District's (EIRSD) policy regarding the commitment of service to Future Customers (i.e., users or owners of connections to EIRSD's collection and treatment systems). The attached flowchart (see [Attachment 1](#) titled, "Overview of EIRSD Service Policy") summarizes the process and steps involved in obtaining service from EIRSD. Related policies are stated below.

#### 1. Location of Parcel

- 1.1. A parcel not located within EIRSD's current boundaries and desiring to receive service from EIRSD shall complete EIRSD's annexation process as outlined in EIRSD's Annexation Procedure document.
- 1.2. All EIRSD fees for parcels within City service areas shall be paid directly to the applicable City Building Department. EIRSD fees for parcels outside City service areas shall be paid directly to EIRSD.

#### 2. Commitment to Serve Letters

- 2.1. New developments desiring to proceed with design review by the Idaho Department of Environmental Quality and construction prior to receiving a Will-Serve letter may request a Commitment to Serve letter from EIRSD.
  - 2.1.1. Approval by the EIRSD Board is required prior to issuance of a Commitment to Serve letter.
- 2.2. All provisions of the Commitment to Serve letter shall apply.

#### 3. Will-Serve Letters

- 3.1. For an individual lot (3 ERUs or less) located within the service areas of the City of Ammon or the City of Shelley or other sewer districts, the Future Customer shall apply for a Will-Serve letter from that entity. For all other individual lots, the Future Customer shall apply for a Will-Serve letter from EIRSD. Payment of EIRSD's capital replacement fee is required before issuance of any Will-Serve letters.
- 3.2. For all subdivisions, including those within City service areas, the Future Customer shall request a Will-Serve letter from the EIRSD District Manager.
  - 3.2.1. Approval by the EIRSD Board is required prior to issuance of a Will-Serve letter. The letter will not be issued if capacity is not currently available to serve the lots.
  - 3.2.2. Payment of EIRSD's capital replacement fees for all lots is required prior to issuance of a Will-Serve letter and prior to EIRSD signing the final plat.
- 3.3. All provisions of the Will Serve letter shall apply.

#### 4. Previously Issued Will-Serve Letters and ERU Certificates

4.1. Regarding Future Customers that were issued a Will-Serve letter or ERU Certificate from EIRSD prior to the date of this policy, each of the following provisions shall apply:

- 4.1.1. All limitations in the originally issued Will-Serve letter or ERU Certificate from EIRSD shall continue to apply, including but not limited to expiration dates.
- 4.1.2. The possession of a previously issued Will-Serve letter shall not approve or guarantee the right to a sewer connection or sewer service. Sewer connection and service from EIRSD will be provided on a “first come, first served” basis.
- 4.1.3. Future Customers holding previously issued Will-Serve letters shall pay EIRSD’s capital replacement fee and any applicable inspection fee prior to connection.

#### Attachments:

- 1. Flowchart titled, “Overview of EIRSD Service Policy”

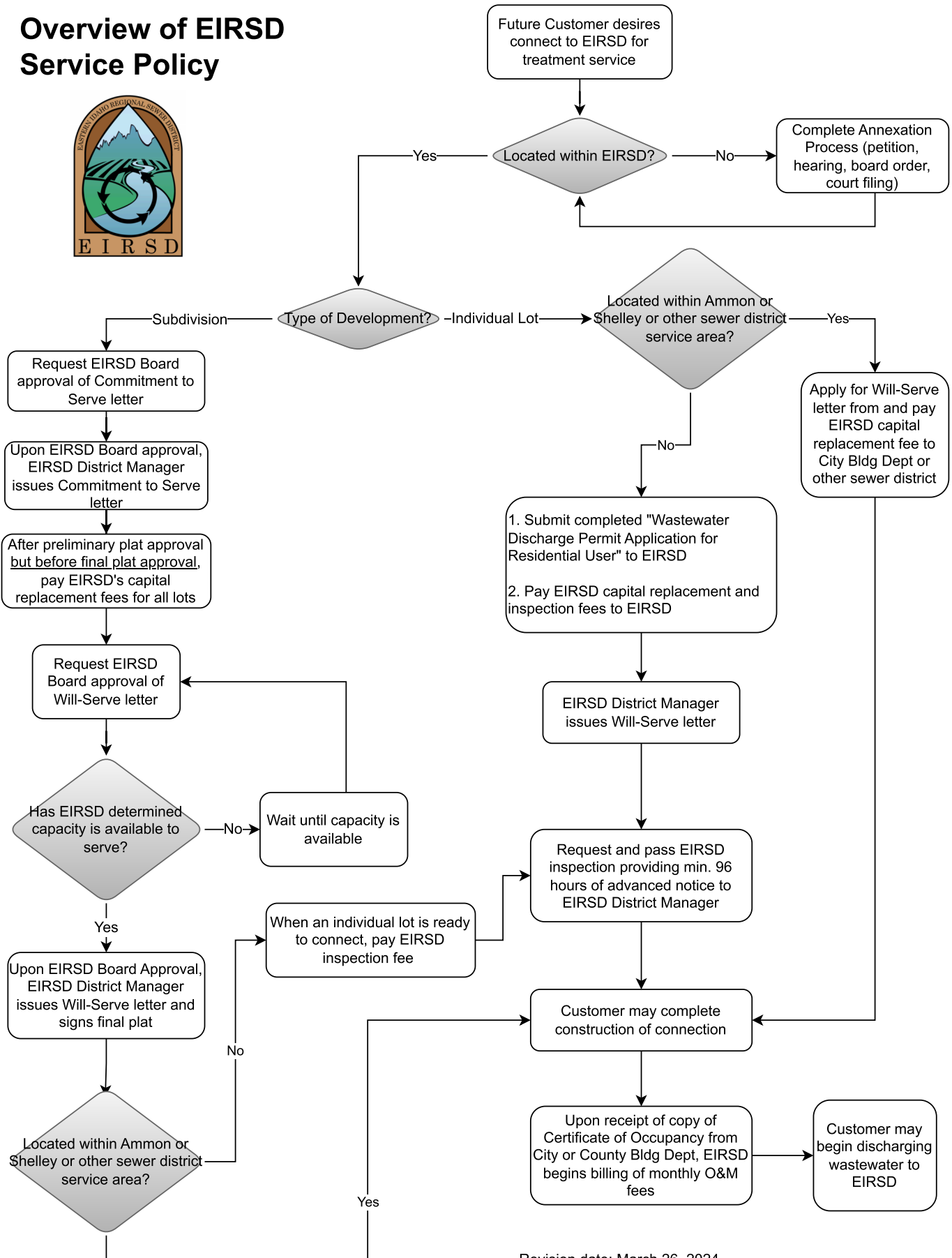
Approved by the EIRSD Board on March 26, 2024.

Signed by:

A handwritten signature in cursive script, appearing to read "Brian Powell", written over a horizontal line.

Brian Powell (EIRSD Board Chairman)

# Overview of EIRSD Service Policy



Revision date: March 26, 2024