

PROVINCE OF ILOCOS NORTE
CITY OF BATAC
BATAC WATER DISTRICT

**EXCERPT FROM THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS
OF BATAC WATER DISTRICT, BATAC CITY DULY HELD ON OCTOBER 16, 2010.**

Members Present:

Mr. Romulo F. Castro	Chairman, Presiding Officer
Mr. William K. Marders	Vice-Chairman
Mrs. Evelyn G. Artates	Board Secretary
Mr. Rogelio S. Yapó	Board Treasurer
Dr. Francisca N. Caluya	Board Member

Member Absent:

NONE

In Attendance:

Ms. Maria Dohna D. Sagun	Recording Secretary
Ms. Imelda G. Tutaan	Sr. Accntg. Proc. A

**RESOLUTION NO. 10
Series of 2010**

**A RESOLUTION AMENDING THE BY-LAWS AND THE RULES AND REGULATIONS
GOVERNING THE OPERATIONS OF THE BATAC WATER DISTRICT.**

WHEREAS, the By-Laws and the Rules and Regulations governing the operations of the Batac Water District was crafted in 1988 or twenty two years ago by a previous Board;

WHEREAS, there is a need to amend said By-Laws and Rules and Regulations to keep in stride with the changing times;

NOW THEREFORE, on motion made and unanimously seconded, it was Resolved as it is hereby Resolved by the Board in Meeting duly assembled and by authority of the same to amend and approve the By-Laws of Batac Water District to wit:

BY-LAWS OF THE BATAC WATER DISTRICT

ARTICLE I – NAME AND DOMICILE

Section 1 – NAME: The name of the body corporate shall be BATAC WATER DISTRICT, hereinafter referred to as BATAC WATER DISTRICT.

Section 2 – DOMICILE: The domicile and main office of Batac Water District shall be at the Marders' Bldg. National Highway, Brgy. # 17 Tabug, Batac City, or any other place as the Board of Directors may designate.

Section 3 – OTHER OFFICES: The Batac Water District may also have offices or places of business as the Board of Directors, or as the law, or the business of the Batac Water may require.

ARTICLE II – POWERS AND FUNCTIONS

Section 1 – CORPORATE POWERS: The powers and functions of the Batac Water District shall be those expressly granted to it under Title II, Presidential Decree 198 as amended and such other powers which are necessary, implied or incidental to the power and purposes therein stated.

ARTICLE III – BOARD OF DIRECTORS

Section 1 – POWERS: The business and affairs of the Batac Water District shall be carried on and its powers shall be exercised by and through the Board of Directors. The functions of the Board, however, shall be to establish policy not to engage in the detailed management of the Water District.

Section 2 – MANNER OF EXERCISE OF POWERS: The Board of Directors shall exercise and perform its power and duties through the medium of resolution and/or directives. The Directors shall act only as a Board and individual directors shall have no power as such unless expressly authorized by the Board to act for and in its behalf.

Section 3 – REGULAR AND SPECIAL MEETINGS: There will be two regular and two special meetings which shall be held at Marders' Bldg. National Highway, Brgy. # 17 Tabug, Batac City every Saturday of the month at 2:30 in the afternoon unless otherwise due to reasonable circumstances the Board agrees to change the place, date and time of said meeting.

Section 4 – PLACE OF MEETING: Unless otherwise fixed in a previous meeting, all meetings of the Board shall be held at the main office, Marders' Bldg. National Highway, Brgy. # 17 Tabug Batac City.

Section 5 – COMPENSATION: Each Director shall receive per diems for each meeting actually attended in the amount of One Thousand Five Hundred Pesos (P 1,500.00). In addition, thereto, each director shall receive allowances and benefits as the Board may prescribe subject to the approval of the Administration.

Section 6 – QUORUM: A majority of the Board shall constitute a quorum for the transaction of the business. In the absence of a quorum, the members present shall adjourn and set another day for the meeting.

Section 7 – ORDER OF BUSINESS: The order of business of the meeting of the Board shall be as follows:

- 1) Call to Order
- 2) Invocation
- 3) Roll Call of Members by the Board Secretary
- 4) Reading and approval of the minutes of the previous meeting
- 5) Unfinished Business

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- "Marders' Bldg." written vertically.
- "National Highway" written vertically.
- "Batac City" written vertically.
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- "Batac City" written vertically.
- "Brgy. # 17 Tabug" written vertically.

- 6) Business on Hand
- 7) Assigned Business
- 8) GM's Report
- 9) Chairman's Time/Director's Time
- 10) Other Matters
- 11) Adjournment

Section 8 – VOTE REQUIRED: The affirmative vote of a majority of the members present in any meeting shall be necessary for the validity of the corporate act. However, the affirmative vote of at least four (4) members shall be necessary to adopt a resolution to:

- a) suspend for cause, the General Manager and the Recording Secretary of the Board.
- b) alter, amend or repeal these by-laws, or any provision thereof, after a public hearing.

Section 9 – PUBLIC HEARING: Public Hearing on any matter that the Board feels may greatly affect both public interest and that of the Water District may be held upon the adoption of a resolution by at least three (3) members of the Board.

Article IV – OFFICERS AND MEMBERS

Section 1 – THE CHAIRMAN: The Chairman shall preside at all meetings of the Board of Directors, but may relinquish the chair to any member present should he choose to participate in the deliberation from the floor. He shall represent the Board in all acts and transactions requiring the intervention of the Board.

Section 2 – VICE-CHAIRMAN: The Vice-Chairman shall, in the absence, sickness or disability of the Chairman, act as Chairman and preside at meetings of the Board of Directors. He shall also have and perform such functions and duties as the Board may from time to time vest in, or require of him.

Section 3 – GENERAL MANAGER: The General Manager shall have and exercise general supervision, control and direction of the business and affairs of the Batac Water District and shall have the powers and perform the duties customarily incidental to his office and such other powers and duties as may be given to him by these By-Laws or assigned to him from time to time by the Board of Directors, including but not limited to the following:

- a) Execute on behalf of the Batac Water District contracts and agreements which the Batac Water District may enter into by virtue of a resolution duly approved by the Board.
- b) File and follow-up loan applications and sign agreements on behalf of the Batac Water District by virtue of a resolution duly approved by the Board.

Emilio A. Arata

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- c) Prepare the budget of the Batac Water District for the ensuing year and submit the same to the Board of Directors for approval on or before November 15 of the current year.
- d) Approve all disbursement of funds of the Batac Water District and orders of payments of sums of money in the name and on behalf of the Batac Water District.
- e) Submit an annual report of the operations of the Batac Water District to the Board of Directors and at any time as the Board may require.
- f) Have direct and active management of the business and operations of the Batac Water District pursuant to the orders, resolutions and instructions of the Board of Directors and in accordance with his own discretion whenever and wherever the same is not limited by such order, resolutions and instructions.
- g) Require subordinate officers to submit to him such information and reports as he may need from time to time.
- h) Appoint, suspend or remove any or all of the employees and subordinate personnel of the Batac Water District and prescribe their duties;
- i) Exercise general supervision, direction and control over all the employees and the subordinate personnel of Batac Water District and see that their respective duties are performed properly.
- j) Submit to the Board of Directors such Statements, Reports, Memoranda, Executive Orders, Administrative Orders, Circulars, Letter of Instructions and Accounts as may be required from time to time by the law and/or the Board of Directors.

Budy G. Quintana
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ARTICLE V – SEAL

Section 1 – The Seal of the Batac Water District shall be approved by the Board of Directors.

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ARTICLE VI – AMENDMENTS AND/OR REPEAL

Section 1 – These By-Laws may be altered, modified, amended or repealed by the affirmative votes of at least four (4) members of the Board of Directors at any regular meetings or at a special meeting called for the purpose, provided that:

- a) at least a 30-day public notice is given to that effect; and
- b) a public hearing is held for the purpose.

The Board of Directors of the Batac Water District does ordain as follows:

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Section 1. WORDS AND PHRASES. For the purpose of these regulations all words used herein the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

Section 2. Whenever in these regulations the following words and phrases set forth in this section are used, they shall, for the purpose of these regulations have meanings, respectively ascribed to them on the section.

Handwritten: Board of Directors

"BOARD". The Board of Directors of the Batac Water District is composed of five citizens of the Philippines representing civic-oriented clubs, professional associations, business, commercial or financial organizations, educational institutions and women's organizations.

"SERVICE CONNECTION". The tapping of water mains and the laying of pipes from the main to the curb lines and the setting of the meter and meter box.

"COST". Labor, material, transportation expenses, supervision engineering and all other necessary overhead expenses.

Handwritten: District

"DISTRICT". The Batac Water District, its General Manager, appointed officers and any other person or body invested with responsibility and jurisdiction in matters pertinent to the said District.

Section 3. SIZE AND LOCATION. The District reserves the right to determine the size of service connections and their location with respect to the boundaries of the premises to be served. The laying of consumer's service lateral to the meter shall not be done until the location of the service connection has been approved by the General Manager or his authorized representative.

Handwritten: Service Cock

Section 4. SERVICE COCK. Every service connection installed by the District shall be equipped with a service cock or valve on the inlet side of the meter, which valve or service cock's shall be for the exclusive use of the District in controlling the water supply through the service lateral.

Handwritten: Pressure Condition

Section 5. PRESSURE CONDITION. All applicants for service connections or water service shall be required to accept such conditions of pressured service as provided by the distribution system at the location of the proposed connection, and shall agree to hold the District blameless for any damage arising out of low pressure or high pressure conditions or interruptions of service.

Section 6. WATER RATES. Water rates are due and payable at the Office of the Batac Water District on the date of delivery of notice to the consumers or to his authorized agent and shall be declared delinquent fifteen (15) days thereafter. Service maybe discontinued without further notice if payment is not made on or before due date. A reconnection fee of Five Hundred Pesos (P 500.00) shall be charged to consumers who want to reconnect their water service.

Failure to receive the bill does not relieve the consumer of his liability. Any amount due shall be deemed a debt to the District and any person, firm or corporation failing, neglecting or refusing to pay said indebtedness shall be liable to a civil action in the name of the District in any court of competent jurisdiction for the amount thereof.

No public faucet shall be made available free of charge but will be charged based on the duly approved minimum and commodity rates.

Section 7. MAINTENANCE OF SERVICE CONNECTIONS. The service materials extended from the water main to the meter including the meter shall be maintained by the District. All pipes and fixtures extending from the meter or lying beyond the customer's meter shall be installed and maintained by the owner of the property.

Section 8. PROPERTY OWNER'S GUARANTEE. The water charge shall begin when a service is installed and the meter is set. Provided, further that the property owner shall guarantee the payment of all water bills, other accounts in case of default of whoever is the tenant or occupant.

Section 9. WATER USED WITHOUT REGULAR APPLICATION. A person, firm or corporation taking possession of premises and using water from an active service connection without having made application to the District for water service shall be held liable for the water delivered from the date of the last recorded meter reading and if the meter is found inoperative, the quantity consumed will be estimated. If proper application for water service is not made upon notification to do so by the District, and if accumulated bills for service are not paid immediately, the service maybe discontinued by the District without further notice.

Section 10. TEMPORARY DISCONNECTION. No charge will be made for temporary disconnection requested by the consumer. Likewise, the District reserves the right to shut-off the water supply when absolutely necessary such as repair of leaks and flushing of hydrants.

Section 11. DAMAGE THROUGH LEAKING PIPES & FIXTURES. It is the responsibility of the concessionaire to report any leaking pipe and fixture to the District upon discovery of the leakage. The District will then inspect the complaint and if found to be leaking after the meter, repairs should be immediately done by the concessionaire. The jurisdiction and responsibility of the District shall end at the meter and the District will in no case be liable for damages after the meter.

Section 12. MAINTENANCE OF WATER PRESSURE AND SHUTTING DOWN FOR EMERGENCY REPAIRS. The District reserves the right to discontinue service while making emergency repairs or for other causes, which in the discretion of the District necessitates such discontinuance. In such case, prior notice should be given to the concessionaire.

Section 13. DOMESTIC, COMMERCIAL AND INDUSTRIAL SERVICE CONNECTION. Each parcel of land under separate ownership must be provided with a separate service. And any violation thereof will be sufficient cause for the Board to discontinue the service until the said violation is corrected and a fee of Two Thousand Pesos (P 2,000.00) for reconnecting the service. Two or more dwelling units under one ownership and on the same lot or parcel of land maybe supplied through the same service provided however, that the Board shall reserve the right to limit the number of dwelling units of the area of land under one ownership to be supplied by one service.

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Section 14. SUPPLY FROM FIRE HYDRANTS. An application for temporary use of water from a fire hydrant must secure a permit thereupon from the District. The District shall be the one to open the hydrants.

Section 15. DAMAGE OF METERS. The District reserves the right to set and maintain a meter on any connection. The water consumer shall be held liable, however, for any damage to the meter due to his negligence or carelessness. It shall be the responsibility of the owner of the property to protect the meter and the inlet valve to the meter from physical damage. The cost of repairs to the meter or inlet valve as a result of such physical damages shall be included in the next water bill.

Section 16. TAMPERING with DISTRICT PROPERTY. No one except employees of the District shall at any time in any manner operate the curb cock or valve, main cocks, gates or valves of the District's system or interfere with meters of their connection, street mains or other parts of the water system.

Section 17. METER TESTING

- a) When the accuracy of a water meter is questioned, the District upon request will cause an official test to be made at its own expense. The consumer shall be duly notified of the time and place of such test and maybe present if such test will be made by the District. The meter will be tested on variable rates of delivery and if the averages is more than two percent (2%) in excess of the actual quantity of water passing through the meter, the District shall refund to the consumer the overcharge based upon the test, for the prior two (2) months. If the meter is within the two percent of accuracy the consumer will reimburse the District for the expense involved in testing.
- b) If the meter becomes defective within six (6) months after installation without negligence from the concessionaire or damage caused by the concessionaire the District will replace the meter free of charge but if the meter is damaged beyond the six (6) months period the concessionaire shall pay for the new meter.

Section 18. MAIN EXTENSION – APPLICATION FOR MAIN. Any owner or subdivider of a single lot or subdivision or tract of land within the District boundaries desiring the extension of water mains and services to each lot, subdivision or tract of land shall make application to the District and after initial application, the applicants shall be subjected to the following procedures:

- a) The applicant shall present a plan duly prepared by a registered civil engineer incorporating design and specification for such lot, subdivision or tract of land for the approval of the District.
- b) Upon approval of such plan and design the applicant shall lay all mains within the tract, contiguous to and full length of the tract, and such connecting lines as maybe needed to connect such lot, subdivision, or tract to the nearest main of suitable size and pressure. This shall include all control valves and fire hydrants, and a connecting lateral to each lot within the subdivision, tract or lots owned by the applicant adjacent to the main. The applicant shall notify the District on the amount of the estimated cost and based from the size of the main pipe lines.

- c) In lieu of the applicant making such installation, he may request the District to do all the work and supply all the materials and the Board at its sole discretion shall accept or reject such installation job. If the District agrees to do such work and to supply the materials thereof, the subdivider or the owner will pay to the District the total cost of such installation plus ten percent mobilization fee.
- d) The subdivider or lot shall pay the full cost of the mains installed based on the size of the subdivision or other requirement of the development that may require a larger main. In such case, the owner or subdivider will pay the total cost, regardless of size. If the District requires a main larger in size than six inches (6") to be used as transmission, main shall be laid by the District and be paid for by the owner or subdivider with an allowance made by the District to cover the difference in cost of the materials used between six inches (6") and the size actually used. To compensate for the additional cost due to the labor and other reasons as a result of installing mains greater than six inches (6") in size, the owner or subdivider may have a properly qualified licensed contractor make the installation. The District shall determine the amount of allowance for mains over six inches (6") in size according to the material costs available to the District.
- e) Ownership. All mains shall become the property of the District after final inspection and acceptance.
- f) Refunding of the Cost. There shall be no refunding of any cost for the laying of any main within the development or otherwise.
- g) Later Reconstruction. If, for any reason, the development of any lot or tract makes it necessary to move, lower, or in any manner change any existing water mains, such moving, lowering, or changing shall be done by the developer at his expense. It shall be the responsibility of the developer of land to furnish a drawing by a registered civil engineer showing all water mains, both new and existing in their location in relation to the finished development of the lot or tract. Said reconstruction shall be under the supervision of the District.

Section 19. APPLICATION FOR SERVICE. Upon application for water service, each applicant shall be required to sign an application form for service and agrees to the terms and conditions of the BWD Service Contract.

Section 20. REFUND AND ADJUSTMENTS. If, for any reason consumer becomes entitled to a refund such as for overpayment of a closing bill, or other just cause, a demand shall be made by said consumer to the District for refund or such overpayment and, subject to approval of the Board or its delegated representative. A warrant shall be issued to the consumer in the amount of said overcharged or, in the event the over payment was made on a bill which is not closing bill, the amount overpaid shall be credited to the consumer's account and will be applied for the next bill.

Section 21. DISPUTED BILLS. In the event a complaint is made by a consumer of high consumption or excessive water bill, a reread shall be made on the meter and a check shall be made to determine in particular if there are leaks in the meter. Should no leak in such meter be found, then upon request of the consumer continues to question the water

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bill, a personal investigation of said premises served by the meter shall be made by the responsible officer of the Commercial Section or his appointed representative. Should said investigator find no reason to adjust said bill he shall refer the disputed bill to the Board for a final ruling, subject to the rights of the consumer to appeal said ruling.

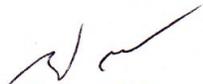
Section 22. CROSS CONNECTIONS. No person, firm or corporation shall install or maintain any physical connection with any private source of water supply and the District water supply at the same time without prior approval from the District.

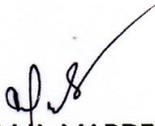
Section 23. RATES AND CHARGES. All water rates and charges shall be set by a formal resolution of the Board of Directors of the Batac Water District subject for approval by LWUA and duly presented through a public hearing.

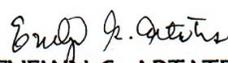
Section 24. This Resolution supersedes Resolution No. 24 series of 1988 dated August 13, 1988 and any Board Resolution, Rules and Regulations promulgated by the Batac Water District inconsistent with the provisions of this Resolution are hereby repealed, superseded and amended. And if any section, subsection, sentence, clause or phrase of these regulations is for any reason held unlawful or unconstitutional, such decision shall not affect the validity of the remaining portions of the regulations.

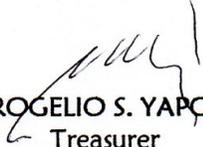
RESOLVED FINALLY, that copies of this Resolution be transcribed and to be furnished to all concerned for their information.

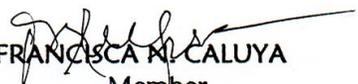
Adopted unanimously this 16th day of October 2010, City of Batac.


ROMULO F. CASTRO
Chairman


WILLIAM K. MARDERS
Vice-Chairman


EVELYN G. ARTATES
Secretary


ROGELIO S. YAPO
Treasurer


FRANCISCA AL CALUYA
Member