



Control Number: 51965



Item Number: 6

Addendum StartPage: 0

To whom it may concern,

RECEIVED  
2021 MAY 27 PM 3:23  
Radiance W.S.C. agrees with the staff's advisement to dismiss docket #51965. We were looking to submit an Informational Tariff Filing and were in error in creating the original docket submission and paperwork.

Original Rates:

- 1st 6000 gals/cycle @ \$.005/gal
- 6000-15K gals/cycle @ \$.006/gal
- 15000+ gals/cycle @ \$.007/Gal
- Base Rate \$30 Now

Updated Rates: 15% increase agreed upon in January 12, 2021 Board Meeting

- 1st 6000 gals/cycle @ \$.00575/gal
- 6000-15K gals/cycle @ \$.0069/gal
- 15000+ gals/cycle @ \$.00805/gal
- Base Rate \$34.50

Thank you for your assistance in this matter and apologize for any confusion in the process.

Arturo "JJ" Rivera  
Water Operator

P. 303.514.5288  
E. jjrivera3@gmail.com  
Radiance W.S.C.

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## **Radiance Water Supply Corp. (RWSC)**

### **Meeting Minutes**

**Date:** Monday, January 12, 2021

**Location:** Online meeting via Zoom, Hosted by Elota Patton, due to the stay-at-home guidelines in force for the COVID-19 pandemic.

**Time:** 7:30 P.M.

**Attending:** Terry Shaw, Elota Patton, Cliff Finley, Michael Kannan, Madeline Brock, Spank (Ryan Sage) and JJ (Arturo Rivera)

- **Meeting was called to order at 7:35 pm**
- **The board reviewed and approved the minutes of the October 12, 2020 meeting.**
- **Well Operator Report**
  - Due to the continuing problems with Well #2, we need to start the process to bring Well #1 back on line. Well #2 is degrading, and there are still problems with the pump, as reported last month. The degrading aspect has been made worse by the drought.
  - Roger Kew still holds his Class C license; if Roger can change RWSC using Well #2 back to Well #1, then JJ can maintain it afterwards—not necessary for JJ to get the Class C license at this time.
  - JJ has finished his coursework to become a Licensed Well Operator, and is waiting for the official license.
  - JJ is still exploring the discrepancies in our water loss. He's checking the site pipes, old leaks at the well, and generally looking for the lost and unaccounted for water.
- **Treasurer's Report**
  - Spank needs the final Policy Document so she can enforce late payment fees, warning notices and water shut off policies
  - Spank will be sending out notices and other documents related to our annual meeting via email, snail mail, and the mail cubbies.
  - The increase in rates (15% across the board) will start with the water usage in March, and will be reflected in the April water bills.
- **New Business**
  - Clarification on Membership fees
    - New membership fees stand as written in the bylaws. There are 3 lots remaining in Radiance that fall into this category

- Discussion regarding use of water before a home is built
    - Previous policy stands: lot owners may use water and be billed for that water without a base fee until the home is completed and people have moved into the home.
  - Annual Meeting
    - Our annual meeting will be on Saturday, February 27, 2021, at 10 am via Zoom. Elota will handle the Zoom link
    - We need to give 30 days written notice to the Membership, which is January 27, 2021.
    - During the meeting the following people will be speaking as follows:
      - Terry will run the meeting and handle the elections
      - Cliff will explain the need to raise rates 15% across the board
    - We need to amend the bylaws regarding the membership transfer fee so that the RWSC board can set the fee, and the fee can be a policy rather than set in the bylaws. Currently the fee is \$20.00, and we need to raise it; suggested increase is to \$100.
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- **Next meeting will be Saturday, February 27, 2021, 10 am, via Zoom.**
  - **The meeting was adjourned at 9:07 pm.**

Respectfully submitted,

Madeline Brock  
Secretary

## **BY-LAWS of RADIANCE WATER SUPPLY CORPORATION**

By-laws of Radiance Water Supply Corporation presented to the Directors of the Board of said Corporation and duly adopted as follows:

### **ARTICLE I. – NAME & PURPOSE**

The name of the Corporation is the Radiance Water Supply Corporation, hereinafter referred to as “the Corporation.”

The purpose of the Corporation is to provide potable water for the Radiance Community, as defined by the Radiance Certificate of Convenience and Necessity (CNN) on file with the Texas Commission on Environmental Quality (TCEQ).

### **ARTICLE II. – OFFICERS & PRESIDENT**

The President shall preside at all members' and directors' meetings. The President may unilaterally and shall upon written demand of twenty percent (20%) of the members, call a special meeting of the members or directors, and may, and shall, upon demand of one-third (1 /3) of such directors, call a special meeting of the directors or membership. Such special meeting shall be held upon giving the notice required in Article VI of the by-laws. The President shall perform all other duties that usually pertain to the office or are delegated by the Board of Directors, and along with the other officers shall serve as such without compensation.

### **ARTICLE III. – VICE PRESIDENT**

The Vice-President shall, in case of the absence or disability of the President, perform the duties of the President.

### **ARTICLE IV. – SECRETARY/TREASURER**

The Secretary-Treasurer shall have the custody of all the monies and securities of the Corporation. The Secretary-Treasurer shall keep regular books and shall keep minutes of all meetings of members and directors. The Secretary-Treasurer shall deposit all monies of the Corporation in such depository as shall be selected by the directors.

The Board of Directors may appoint another board member or an employee as assistant or deputy secretary to assist the Secretary in all official duties. The position of the Secretary-Treasurer, and other positions entrusted with receipt and disbursement of funds, may, in the discretion of the Board of Directors, be placed under a fidelity bond in such amount as may be set from time to time by the Board of Directors.

### **ARTICLE V. – BOARD OF DIRECTORS: POWERS & DUTIES**

#### **Section 1.**

(A) The Board of Directors shall consist of 4 (four) to 6 (six) directors, a majority of whom shall constitute a quorum. All Board members must be members of the corporation. Upon issuance of the Charter and annually thereafter at the regular Board meeting, the Board of Directors shall elect a President, a Vice President and a Secretary/Treasurer.

(B) The directors shall be elected by the members at the members' annual meeting provided for in Article VI of the by-laws.

Section 2. The directors shall be divided into two classes, the terms of the directors of the first class to expire at the first annual meeting of the members after their election, the terms of the directors of the second class to expire at the second annual meeting after their election. At each annual meeting after such classification, the number of directors whose terms expire shall be replaced or re-elected.

Section 3. The directors shall serve without pay but may be compensated for actual expenses by a majority vote of directors.

Section 4. Upon the death or resignation of a director, a successor may be elected by a majority of the directors remaining to serve out the remaining portion of the term thus vacated.

Section 5. The Board of Directors acting on behalf of the Membership, shall have and perform each of the powers and duties enumerated in these Bylaws. In addition to the expressed powers and duties of the Board of Directors granted in these Bylaws, the Board of Directors shall, unless expressly prohibited by these Bylaws and the Articles of Incorporation have all powers and authority granted to a Board of Directors of a nonprofit corporation under the laws of the State of Texas.

In addition, the Board of Directors is, without limitation also empowered as follows:

- (a) To keep in good order, condition and repair the well(s) and water distribution system owned by the RWSC.
- (b) To insure and keep insured the well and water distribution system owned by the RWSC in an amount equal to as much as their maximum replacement value and to obtain and maintain comprehensive liability insurance covering the entire premises. The limits and coverage shall be reviewed no less frequently than every three (3) years and adjusted to provide such coverage and protection as the Board of Directors may deem prudent.
- (c) To purchase or lease real property for use by the Corporation and to execute on behalf of the Corporation any contracts, leases, mortgages or other appropriate instruments for the same. Any such purchase or lease must first be approved by the Membership. To purchase or construct and to maintain facilities for fire prevention, including but not limited to fire hydrants and water storage capabilities such as pools, ponds and cisterns.
- (d) To borrow funds in order to pay for constructing or improving water facilities or in connection with any other functions of the Water Supply Corporation. Any loan or construction must first be approved by the Membership.
- (e) To enter into contracts within the scope of their duties and powers.
- (f) To keep and maintain full and accurate books and records showing all of the receipts, expenses or disbursements and to permit examination thereof at any reasonable time by each of the Members.

Section 6. Notwithstanding any other provision of these Bylaws, any action required or permitted to be taken at a meeting of the Board of Directors may be taken without a meeting if a consent in writing, setting forth the action so taken, is signed by all of the members of the Board of Directors. Such consent shall have the same force and effect as a unanimous vote at a meeting.

## ARTICLE VI. – MEETINGS

Section 1. REGULAR MEETINGS: Regular meetings of the Board of Directors shall be held at such time and place as the Board may determine at the next previous regular meeting and shall include posting the meeting as required by the Texas Open Meetings Act, (Article 6252-17, Texas Civil Statutes), by furnishing the notice to the county clerk or clerks of the county or counties in which the Corporation provides service, and by posting such notice in a place readily convenient to the public in its administrative office at all times for at least seventy-two (72) hours preceding the scheduled time of the meeting. Such notice shall specify the date, hour, place and subject of each meeting held by the Board of Directors.

Section 2. ANNUAL MEETING: Texas State Law requires that the Corporation meet between January 1 and May 1. To comply with state law, there shall be a regular annual member meeting, beginning in 2020, on the last Saturday in February to transact all business that may be properly brought before it.

Section 3. Prior to convening any annual or special meeting of the Members, the President shall request the Secretary-Treasurer to notify all eligible members of the proposed meeting. The Secretary-Treasurer shall give at least thirty (30) days written notice of such annual meeting to the membership indicating the time, place and purpose of such meeting. That notice shall be delivered to each member either by (1) electronic mail, or (2) by regular mail at the address last known to the Corporation, or (3) hand-delivered to the member's cubby at the Radiance postal station.

Voting by written proxy shall be permitted. The presence at a meeting of members entitled to cast in their own right or by proxy twenty-five percent (25%) of the total number of votes shall constitute a quorum for the transaction of business.

Section 4. SPECIAL MEETINGS: Special meetings of the Board of Directors may be held upon the posting of notice of such special meeting, in the manner provided under Article V of these Bylaws, at least two hours before the meeting is convened. It shall be the responsibility of the President or his designee to ensure that proper notice is posted. In no event shall any special meeting of the Directors be convened where the business of such meeting could be considered at a regular meeting of the Directors receiving at least seventy-two (72) hours-notice as provided under Article V of these Bylaws.

Section 5. ELECTRONIC MEETINGS: Subject to the provisions of applicable law and these Bylaws regarding notice of meetings, members of the Board of Directors or members of any committee designated by such Board may, unless otherwise restricted by statute, by the Certificate of Formation or by these Bylaws, participate in and hold any meeting of such Board of Directors or committee by using conference telephone or similar communications equipment, or another suitable electronic communications system, including videoconferencing technology or the Internet (but only if, in the case of such other suitable communications system, each person entitled to participate in the meeting consents to the meeting being held by means of that system and the system permits each person participating in the meeting to communicate concurrently with all other persons participating in the meeting). If voting is to take place at the meeting, reasonable measures must be implemented to verify that (1) every person voting electronically at the meeting is identified and (2) a record must be kept of any vote or other action taken. Participation in a meeting shall constitute presence in person at that meeting, except when a person participates in that meeting for the express purpose of objecting to the transaction of any business on the ground that the meeting was not lawfully called or convened.

Section 6. WRITTEN CONSENT OF DIRECTORS. Any action required or permitted to be taken at any meeting of the Board of Directors or any committee, may be taken without a meeting if a written consent setting forth the action shall be signed by the number of directors needed to take such action at a meeting at an in-person meeting. For purposes of this Article VI, an electronic transmission of a consent by a director or committee member is considered a signed writing if the transmission contains or is accompanied by information from which it can be determined that the electronic transmission was sent by the director, and the date on which it was sent.

Such consent must be filed with the minutes of proceedings of the Board of Directors. Such consent shall have the same force and effect as a vote at an in-person meeting and may be stated as such a vote in any document. Prompt notice of any action taken by the directors without a meeting by less than unanimous written consent shall be given to those directors or committee members who did not consent in writing to the action.

Section 7. ELECTIONS: If elections are to be held, the Board shall approve the ballot form to be used. The meeting notice shall inform the members of election procedures, including candidate application procedures. The Board shall validate all eligible voters, ballots, and election results. Ballots from members or shareholders are confidential and are exempted from disclosure by the corporation until after the date of the relevant election.

#### ARTICLE VII. – NON-PROFIT

The Corporation shall conduct its business on a non-profit basis, and no dividends shall ever be paid to the members of such Corporation. The corporation shall conduct its business on a non-profit basis; however, the corporation shall be allowed and can accumulate reserves sufficient to pay for reasonably foreseeable deferred maintenance, capital improvements (to existing facilities and to projected expansions), acquisitions of new water well reserves, and sites.

#### ARTICLE VIII. - BANKING

The directors of the Corporation shall establish and maintain, in a bank or credit union within the State of Texas, insured with the Federal Deposit Insurance Corporation, a reserve fund account separate and apart from other accounts of the Corporation. The funds in such accounts shall be maintained at such levels to assure the accounts are insured.

Withdrawals from this fund upon prior approval of the Board shall be made only for emergency repairs, replacement of obsolete equipment, making extensions, improvements to or expansions of facilities, and for making up any deficiencies in revenue. One of the objectives of the reserve fund is to assure, during the periods when water cannot be delivered or during water shortages, that funds are available equal to the difference between collection from the sale of water and collections that would have been made had the members been able to buy the quantity of water normally used.

The directors shall invest all sums in this fund not required to be spent during the year in which they were deposited in U.S. bonds, or at interest in a savings or money market account in an FDIC insured bank.

Directors may make other investments from the reserve fund account upon approval of two-thirds (2/3) membership present at any regular or special membership meeting. Securities so purchased or other authorized investments shall be deemed at all times to be a part of the reserve fund account.



## ARTICLE IX. - MEMBERSHIP

Section 1. Every person owning property within the Radiance community defined by the CNN shall have the right to become a member of the Corporation upon payment of the membership fee and upon compliance with the reasonable requirements of the Corporation governing the purchase of water, charges for connection and operation of and service by the system.

Membership shall not be denied because of the applicant's race, color, creed, gender, sexual orientation or national origin. It is the intent of the Corporation to provide service on a non-discriminatory basis to all persons in the area designated by the Certificate of Convenience and Necessity desiring service to the extent that the capabilities of the system will reasonably permit. Any changes regarding membership initiated by the Corporation must be approved by two-thirds (2/3) membership present at any regular or special membership meeting. Changes initiated by the TCEQ require no approval.

Section 2. The membership fee shall entitle the member to one connection between the property covered by the membership and the water main of the Corporation. A person may own more than one membership and each member shall be entitled to one vote for each membership owned. Membership certificates shall be in such form as shall be determined by the Board of Directors. The nonrefundable membership fee shall be at a level set by the directors, at not less than \$3,440.00.

Section 3. Members shall not sell or transport water from the property covered by a membership, nor provide water to any duplex or multifamily dwelling from a single connection, nor submeter water to another.

Section 4. Membership in the Corporation shall be transferred only after approval of the transfer by the Board. In order for a member to transfer membership, all of the member's indebtedness to the Corporation must be paid by the transferor member. Only then may a new membership certificate be issued. In no event may the member transfer his membership to anyone other than the new owner of the property covered by the membership. If membership is not transferred to subsequent real property owner (owner of real property to which service was being provided), it terminates automatically. Transfer fees may be changed by a Directors' resolution.

Each Membership Certificate shall note conspicuously on the certificate the following:

"This Membership Certificate may not be transferred and no transfer shall be effective unless the transfer has been previously approved by the Board of Directors and the approval has been evidenced by a written instrument."

## ARTICLE X. – MEMBERSHIP TRANSFER LIST

The member list will be kept in the membership transfer book. To determine which members are entitled to receive a meeting notice or to vote at any member meeting, or to vote on adjourning any meeting, the voting list will come from the membership transfer book list as it existed on the 15th of the month before the month in which such a meeting action is to be taken.

## ARTICLE XI. - MANAGER

The business of the Corporation may be handled under the direction of the Board of Directors by a manager to be elected by majority vote of the Board, and the Manager shall serve with or without compensation. The manager, with the approval of the Board of Directors, may employ, with or without compensation, such

supervisory, clerical or other employees as may be required to effectively operate the business of the Corporation. The manager may also serve in an ex-officio position on the Board of Directors, provided that the Manager shall not be compensated for service as an ex-officio director.

#### ARTICLE XII. – BILLINGS, DISCONNECTIONS & RECONNECTIONS

All members will be billed, disconnected, or reconnected in accordance with the written policies of the Corporation. The Board may declare and modify such rules and levy such charges and assessments as it may in its discretion deem appropriate. No rule or regulation shall be effective unless it is in conformity with all statutes, rules and regulations promulgated by federal, state or any governing agency of such.

In the event a member wants to discontinue membership, they must bring their proposal to the Board of the Corporation for a decision. Any rainwater collection system must first be approved by the Radiance Architectural and Building Committee and must comply with all TCEQ regulations for cross connection and containment.

#### ARTICLE XIII. - DISCONTINUANCE

Upon the discontinuance of the Corporation by dissolution or otherwise, all assets of the Corporation remaining shall be distributed to an organization in the State of Texas, selected by a two-thirds (2/3) majority of the members voting, which is organized to acquire, store, transport, sell or distribute water for public use, including but not limited to a governmental entity that governs the area which includes the assets owned by the Corporation.

#### ARTICLE XIV. – FISCAL YEAR

The fiscal year of the Corporation shall be from January 1 to December 31.

#### ARTICLE XV. - ASSESSMENTS

(a) If at the end of any fiscal year, or in the event of emergency repairs, the Board of Directors determines the total amount collected from water charges to be insufficient to pay the costs of operation of the Corporation's system during the year in which the charges are collected, the Board shall make and levy an assessment against each member of the Corporation. The Board may determine the sum of the assessment and the amount collected from water and other charges in order to fully pay all costs of operation, maintenance, replacement and repayment of indebtedness for the year's operations.

This provision shall not operate for the benefit for any third-party creditor, without a favorable vote of the majority of the members. The assessment shall be divided by the number of service connections in the Corporation, and each member shall pay the assessment in proportion to the number of service connections that member holds. Should the Board decided to levy such an assessment through a different formula, that alternative formula must be approved by the Board and at least 2/3 (two-thirds) of the members present at a regular meeting of the Corporation, or at a special meeting of the Corporation called for that purpose.

(b) In the event a member should surrender his membership certificate properly endorsed to the Secretary-Treasurer of the Corporation, their obligation to pay such assessments shall be limited to assessments made and levied prior to the date of surrender of their membership certificate.

## ARTICLE XVI. - AUDITS

The books and accounts of the Corporation shall be audited by a financial review committee of members (not including any board member or officer) at least once each year, for the prior fiscal year. The reports prepared by such auditor(s) shall be submitted to the members at the annual member meeting.

## ARTICLE XVII. – CHANGING BYLAWS

These by-laws may be altered, amended, or repealed by a vote of two-thirds of the members present at any regular meeting of the Corporation, or at any special meeting of the Corporation called for that purpose, except that the members shall not have the power to change the purpose of the Corporation so as to decrease its rights and powers under the laws of the State, or to waive any requirements of bond or other provisions for the safety and security of the property and funds of the Corporation or its members, or to deprive any member of rights and privileges then existing, or so to amend the by-laws as to effect a fundamental change in the policies of the Corporation except by a 2/3 (two-thirds) vote of the entire membership. Notice of any amendment to be made at a special meeting of the members must be given at least twenty (20) days before such meeting and must set forth the amendments to be considered.

## ARTICLE XVIII. – PUBLIC RECORDS

With prior written request, corporate records, books and annual reports, subject to exceptions provided by the Open Records Act, Article 6252-13a, Tex. Rev. Civ. Stat., including any amendments thereto, shall be available for public inspection and copying by the public or their duly authorized representatives during normal business hours subject to a reasonable charge for preparing copies.

In the event of any conflict between the provisions of the Open Records Act and the provisions of these Bylaws, the provisions of the Open Records Act shall prevail.

The invalidity of any provision or provisions of these bylaws shall not impair or affect in any manner the validity, enforceability or effect of the remainder of these Bylaws. If any provision is deemed invalid, all of the other provisions of these Bylaws shall continue in full force and effect as if such invalid provision had never been included herein.

The Radiance Water Supply Corporation Bylaws were originally adopted on May 6, 1985.

The above by-laws and regulations were amended and adopted by the Board of Directors of the Radiance Water Supply Corporation on the \_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_ and are effective from \_\_\_\_\_.

Madeline Brock \_\_\_\_\_

Cliff Finley \_\_\_\_\_

Michael Kannan \_\_\_\_\_

Elota Patton \_\_\_\_\_

Terry Shaw \_\_\_\_\_

#### CERTIFICATION

I, the undersigned, hereby certify:

That I am the duly elected and acting Secretary/Treasurer of the Radiance Water Supply Corporation, a Texas Nonprofit Corporation, and,

That the foregoing Bylaws constitute the amended Bylaws of said Corporation as duly adopted at a meeting of the Board of Directors thereof, held on the \_\_\_\_ day of \_\_\_\_\_, 2021.

IN WITNESS WHEREOF, I have hereunto subscribed my name this \_\_\_\_ day of \_\_\_\_\_, 2021.