

RESOLUTION NO. 620

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE POINT ROBERTS WATER DISTRICT NO. 4, WHATCOM COUNTY, WASHINGTON, ESTABLISHING BILLING, PAYMENT, AND COLLECTION PROCEDURES AND POLICIES FOR WATER SERVICE RATES AND CHARGES.

WHEREAS, RCW 57.08.081 establishes procedures for water-sewer districts for the collection of rates and charges for water supplied against property owners receiving such water service (collectively referred to herein as "service rates and charges"); and

WHEREAS, the Point Roberts Water District No. 4 Board of Commissioners ("District") now desires to establish and amend its policies and procedures for the collection of such service rates and charges as provided in RCW 57.08.081; now, therefore,

BE IT RESOLVED by the Board of Commissioners of the Point Roberts Water District No. 4, Whatcom County, Washington, as follows:

Section 1. Billing, Payment and Collection Policies and Procedures.

1. Definitions. The following definitions shall apply to the provisions set forth herein.

a. "Board of Commissioners" means the Board of Commissioners of the Point Roberts Water District No. 4.

b. "Customer" means the person, corporation, association, or other entity owning the real property being furnished utility service by the District as established by the real property records maintained by the Whatcom County Auditor's Office or equivalent office as the owners of such real property; provided, however, that the holder of a recorded lease for such property may be deemed to be a customer.

c. "Customer Account" means that account maintained by the District for each property, commercial or residential or other, for utility services provided by the District to such property, the charges for such services being deemed charges against the property served.

d. "Delinquency Penalty" means the penalty established by the Board of Commissioners from time to time by resolution under the authority granted in RCW 57.08.081 or as such statute may be modified, amended or superseded.

e. "Delinquent" or "Delinquent Sum" means any portion of a customer account which remains due and unpaid at the end of any payment period, including any penalties, a Lock Fee and interest. The "Delinquent Date" is the date upon which any portion of a customer account remains due and unpaid at the end of any payment period.

f. "District" means Point Roberts Water District No. 4.

g. "Office Manager" means the duly appointed office manager of the District to perform the functions of the office manager under this resolution and his/her designee.

h. "Bill Date" means the date identified on a billing for utility services provided. "Due Date" means the date thirty (30) days from and after the Bill Date on which the billing for water service provided must be paid in full before the billing becomes delinquent.

i. "Payment Period" means a period of time equal to thirty (30) days from and after the bill date on the billing for utility services provided.

j. "Shut Off" or "meter lock" means the discontinuation of service referred to in RCW 57.08.081(5). "Lock Fee" or "shut-off fee" means the District charge imposed on the delinquent customer account to lock the meter. The Lock Fee shall be \$50.00.

k. "Property" or "Premises" means the real property provided or receiving water service from the District.

2. Utility Service Billings.

The District shall bill customers on a bimonthly basis for water service provided by the District to each customer's premises during the preceding sixty (60) day period; provided, however, that the initial or final bill to any customer may cover a shorter period of time. Each bill shall clearly state its Bill Date and Due Date and shall be payable as follows:

a. All sums (other than delinquent sums) not paid in full by the end of the 30 day payment period shall be considered to be delinquent (the Delinquent Date); a one-time penalty of 8 percent shall be charged on such delinquent sum on the 32nd day from the Bill Date and a letter shall be mailed to the customer advising of the delinquent sum (including the 8 percent penalty) and requesting that the delinquent sum (including the 8 percent penalty) be paid in full within forty (40) days or the meter will thereafter be locked and water service will be cut off to the property;

b. If any delinquent sum remains due and owing thirty-seven (37) days after the Delinquent Date for the delinquent billing, a notice shall be mailed to the customer and to the property receiving District water service, if different from the customer mailing address, advising that water service to the customer's property shall be shut off if payment in full of all delinquent sums (including the 8 percent penalty) are not paid to the District in full by the 40th day after the Delinquent Date for the delinquent billing.

c. The mailed notice referenced in Sec. 2(b) above shall also advise the customer of the customer's right to file a written notice of appeal with the District no later than 4:30 p.m. two (2) days prior to the 40th day after the Delinquent Date for the delinquent billing; such notice of appeal shall set forth the reasons why the customer disputes the delinquent billing and provide the customer's estimate of the proper amount of the bill if possible; the customer may then request a meeting with the Board of

Commissioners pursuant to Section 7 herein, and the Board shall make a final determination on such billing pursuant to Section 8 herein.

d. If any delinquent sum remains due and owing forty (40) days after the Delinquent Date for the delinquent billing, the office manager may cut off and discontinue water service to the property by locking the meter unless the customer has filed a written notice of appeal with the District as provided above and the Board of Commissioners has not yet made a final determination on such billing.

e. If any delinquent sum remains due and owing sixty (60) days after the Delinquent Date for the delinquent billing, the District shall certify the delinquent sum to the County Auditor as delinquent and file a lien against the property upon which the utility service was received in the amount of the delinquent sum; the delinquent sum shall also include interest thereon at the rate of ten (8) percent per annum commencing and accruing from the date of sixty (60) days after the Delinquent Date for the delinquent billing until such delinquent sum is paid in full to the District together with a charge of Eighty Dollars (\$80.00) to recover the fees and costs incurred by the District to file the lien; after the filing of the lien, the District may bring suit in foreclosure of the lien as authorized by law.

3. Delinquent Sums/Penalties.

All bills sent by the District shall clearly state the amount of all delinquent sums and the amount of the delinquency penalties, charges and interest that have been charged to the customer account during the period to which the utility service billing pertains.

4. Resumption of Service.

After a service has been shut off for non-payment of a utility service billing as provided herein, all delinquent sums (including the delinquent principal, delinquency penalty, interest, lien-filing fees and costs and any shut off/meter lock charge) must be paid in full before water service will be resumed. No payments required herein will be accepted by District field personnel. No water service will be restored between the hours of 4:00 p.m. and 8:00 a.m., Monday through Friday or on weekends or holidays. For same day restoration of water service, payment must be received in the District business office by 4:00 p.m.

5. Lien--Creation.

The office manager shall review, on a monthly basis, all customer accounts containing delinquent sums and shall prepare a list of all customer accounts which contain sums that have been delinquent for the prescribed period and may certify all such delinquencies to the Whatcom County Auditor and have the same declared a lien against such property in accordance with RCW 57.08.081 or as such statute is modified, amended or superseded.

6. Lien--Foreclosure.

The office manager shall prepare a list of all customer accounts which contain sums that have been delinquent for the prescribed period and transmit the same to the Board of Commissioners; the Board of Commissioners shall then determine whether suit shall be brought to foreclose all such liens and collect such accounts in accordance with RCW 57.08.081.

7. Billing Disputes--Time Limitation on Contesting Bill.

Should any customer disagree with the amount of any bill relating to a customer account for any reason, the customer may request a meeting with the Board of Commissioners if the customer does so in writing and delivers that writing to the District within 30 days following the termination of the payment period for the contested bill. Such written request shall set forth the reasons for the disagreement and the customer's estimate of the proper amount of the bill if possible.

Upon the expiration of this period for contesting a bill without the District having received any written request as provided by this section, the customer account shall be deemed final and accurate.

8. Billing Disputes--Appeal to Board.

After reviewing the customer's request and supporting evidence and documentation, the Board shall have the power to make a final determination on the billing dispute and take action including correct, modify, or affirm the bill.

Section 2. Effective Date. The policies and procedures set forth herein shall be effective the date set forth below.

Section 3. Repealer. All District resolutions, policies, and procedures are hereby repealed, amended and/or superseded to be in accordance with the policies and procedures set forth herein.

ADOPTED by the Board of Commissioners of the Point Roberts Water District No. 4 at the regular meeting thereof held on the 12th day of January, 2011.

Point Roberts Water District No.4 Board of Commissioners

Scott Hackleman - Chairman

N. Madeleine Anderson - Secretary

William H. Meursing - Commissioner

Date _____