

**RESOLUTION NO. 2017-~~001~~**

*A resolution of the Board of Directors of Bayview Water and Sewer District, Kootenai County, Idaho amending Resolution No. 2016-001 to provide notice by certified mail prior to disconnection for non-payment and leaving all other provisions the same; providing for an effective date of the resolution and the policies; and providing for other matters properly relating thereto.*

WHEREAS, Bayview Water and Sewer District, Kootenai County, Idaho (the "District") is a duly and properly formed water district under and by virtue of the constitution and laws of the State of Idaho and governed by an elected Board of Directors (the "Board");

WHEREAS, Idaho Code Section 42-321(1) allows the District to disconnect service when accounts are delinquent;

WHEREAS, the Board is charged with responsibility for the operation of the District and in that role has determined that it is in the best interest of the District, its customers and its employees to adopt and promulgate specific service termination policies:

NOW, THEREFORE, be it resolved by the Board of Directors of Bayview Water and Sewer District as follows:

**Regulations for services of the Bayview Water and Sewer District:**

1. Payment of all fees due the District including but not limited to monthly water and sewer availability and use charges for all single family, duplex, multiple family residences, as well as commercial and non-commercial properties receiving services shall be the responsibility of the property owner.
2. Receiving services shall mean having water or wastewater disposal services available at the subject property whether or not any utilization of water or wastewater disposal from the property took place.
3. The District water and sewer bills and other fees and charges are due and payable upon presentation and become delinquent if not paid within thirty (30) days thereafter.
4. If the bills, fees, and/or charges are not paid within sixty, (60) days of presentation, water and/or sewer service to the delinquent property will be discontinued unless otherwise determined by the Board of Directors for good cause shown for an exception to the policy set forth herein.

Notice of delinquency will be provided by means of the regular billing method that shows an overdue balance. Full payment shall be required by the date indicated. One of two forms of notice may be used to alert customer(s) of pending shut off.

- a) At least seven (7) days prior to the service(s) being discontinued a written notice shall be sent certified mail return receipt. This fee will be passed off to customer and added to utility account.
- b) At least twenty-four (24) hours prior to the service(s) being discontinued a written notice shall be delivered to the delinquent property. BWSD shall add to the delinquent balance a fifty-dollar (\$50.00) fee for this notification service.

5. If water and sewer service is discontinued for non-payment it shall remain discontinued until the delinquent balance and the fifty-dollar (\$50.00) reconnection fee are paid. Service availability charges shall continue to be charged and will become due whether disconnection has taken place or not.
6. Water service will only be restored during regular working hours, between 8:00 a.m. and 4:00 p.m.; Monday through Friday, excepting BWSO defined holidays.
7. Checks returned for non-sufficient funds shall result in the addition of a twenty-dollar (\$20.00) handling fee to the customer's water account in addition to any charges pursuant to the above provisions.
8. The reconnection fee only applies to non-payment of water bill. No fee will be charged for disconnection and reconnection due to plumbing repair.
9. Elderly or disabled members or anyone suffering from a severe illness may request additional time to pay their water bill. Members must submit a doctor's note within a week of the shut-off notice that demonstrates such a need in order to receive consideration for an extension. Members must also provide the Board with a date on which they will bring the account current. The Board shall only grant [ ] extensions in any consecutive twelve month period.
10. These policies shall become immediately effective upon passage of this resolution.

Section 3: SEVERABILITY

If any section, paragraph, clause, or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of each section, paragraph, clause, or provision shall in no manner affect any remaining provision of this Resolution.

Section 4: RATIFICATION

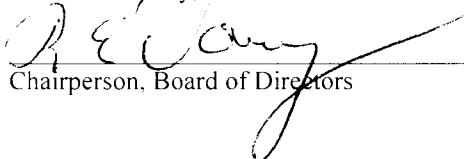
The Board hereby ratifies all acts taken by members of the Board and/or agents and employees on behalf of the Board or District relative to this statement of policy.

Section 5: EFFECTIVE DATE


This Resolution shall become and is effective as of the date of its adoption.

DATED this 20<sup>th</sup> day of June, 2017.

BAYVIEW WATER AND SEWER DISTRICT,  
Kootenai County, Idaho

  
\_\_\_\_\_  
Chairperson, Board of Directors

ATTEST:

  
\_\_\_\_\_  
District Secretary

I, the undersigned, Secretary of the Board of Directors of Bayview Water and Sewer District, of Kootenai County, Idaho, hereby certify that the foregoing Resolution is a full, true, and correct copy of a Resolution duly adopted at a regular meeting of the District, duly and regularly held at the regular meeting place thereof on June 19, 2017, of which meeting all members of the Board had due notice and at which a majority thereof were present; and that at said meeting said Resolution was adopted by the following vote:

Directors:

Richard Doney, Chairman

Aye  Nay  Absent  Abstain

Sharon Meyer, Vice Chair

Aye  Nay  Absent  Abstain

Marsha Ritzheimer

Aye  Nay  Absent  Abstain

Stephen May

Aye  Nay  Absent  Abstain

Jan Jones

Aye  Nay  Absent  Abstain

STATE OF IDAHO )  
 ) ss  
County of Kootenai )

One this 20<sup>th</sup> day of June, 2017, I Jessie Roe certify that the following members of the Bayview Water and Sewer District, Richard Doney, Sharon Meyer, Marsha Ritzheimer, Stephen May, and Jan Jones signed the forgoing document, willingly and freely in my presence and that the signatures are genuinely his/hers.

I further certify that I have carefully compared the same with the original Resolution on file and of record in my office; that said Resolution is a full, true, and correct copy of the original Resolution adopted at said meeting; and that said Resolution has not been amended, modified, or rescinded since the date of its adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the District on June 20th, 2017.



Jessie Roe  
Notary Public for the state of Idaho

Jessie Roe  
Print name

My commission expires: 2-1-23

ADOPTED by the Board of Directors this 20<sup>th</sup> day of June, 2017  
BAYVIEW WATER & SEWER DISTRICT

Richard Doney  
Richard Doney, Chairman of the Board

SEAL