

RESOLUTION NO. 2021-007

A resolution of the Board of Directors of Bayview Water and Sewer District, Kootenai County, Idaho, approving service termination policies; providing for an effective date of the resolution and the policies; and providing for other matters properly relating thereto. This resolution repeals and replaces Resolution No. 2016-001 and Resolution No. 2017-002.

WHEREAS, Bayview Water and Sewer District, Kootenai County, Idaho (the "District") is a duly and properly formed water and sewer 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 properties receiving services, shall be the responsibility of the property owner.
2. Receiving services shall mean having water, sewage or wastewater disposal services available at the subject property whether or not any utilization of water, sewage or wastewater disposal from the property took place.
3. Owners having both sewer services and water services, the District shall apply payments first to amounts owing for sewer services and then to water services.
4. All provisions for termination of water and/or sewer services for any reason, as set forth in the current District Rate Schedule, shall be subject to all provisions of this service termination policy.
5. All costs reimbursable to the District are due and payable with other monthly charges as billed, and will be subject to all District bill payment and delinquency requirements and all

remedies available by ordinance, resolution, or action of the Board or by law; including termination of services, including water service for amounts due on sewer accounts.

6. 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.

7. 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, including water service for unpaid sewer service fees and/or charges, 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 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.

b) 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 on to the customer and added to the delinquent balance of the water or sewer account.

8. If the balance on the account remains unpaid after notice of delinquency, and discontinuance of service is necessary, a ninety-dollar (\$90.00) trip-charge will be assessed to the user's account to terminate the service and again to restore the service to the property.

9. If water and/or sewer service is discontinued for non-payment, it shall remain discontinued until the delinquent balance, the fifty-dollar (\$50.00) notification fee and the ninety-dollar (\$90.00) trip-charge are paid. Service availability charges shall continue to be charged and will become due whether disconnection has taken place or not.

10. Water service will only be restored during regular working hours, between 8:00 a.m. and 4:00 p.m. Monday through Friday, excepting BWSD defined holidays. If service restoration is necessary outside of regular office hours the trip-charge will increase from ninety-dollars (\$90.00) to an after-hours charge of one hundred thirty-five dollars (\$135.00).

11. Checks returned for non-sufficient funds shall result in the addition of a twenty-dollar (\$20.00) handling fee to the customer's water and/or sewer account in addition to any charges pursuant to the above provisions.

12. The reconnection fee only applies to non-payment of water bills or non-payment of sewer bills that resulted in discontinued water services. No fee will be charged for disconnection and reconnection due to plumbing repair.

13. Elderly or disabled owners or anyone suffering from a severe illness, may request additional time to pay their water and/or sewer bills. Owners 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. Owners must also provide the Board with a date on which they will bring the account current. The Board shall only grant 12 extensions in any consecutive twelve month period.

14. These policies shall become immediately effective upon passage of this resolution.

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.

RATIFICATION:

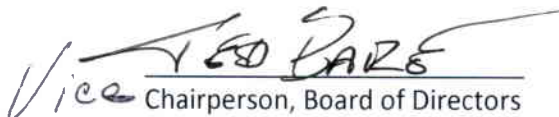
The Board hereby ratifies all acts taken by member of the Board and/or agents and employees on behalf of the Board or District relative to this statement of policy.

EFFECTIVE DATE:

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

Dated this 16th day of September, 2021.

BAYVIEW WATER AND SEWER DISTRICT
Kootenai County, Idaho


Vice Chairperson, Board of Directors

ATTEST:


District Secretary