

WHATCOM COUNTY WATER DISTRICT NO. 13
WHATCOM COUNTY, WASHINGTON

RESOLUTION NO. 05-2024

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WHATCOM COUNTY WATER DISTRICT NO. 13 ESTABLISHING/UPDATING DELINQUENT ACCOUNT PROCESSING POLICY AND POLICIES FOR DISCONTINUING WATER SERVICE AND REPEALING RESOLUTION 03-2009, 02-2011 & 01-2013.

WHEREAS the District needs a policy to collect delinquent account; and

WHEREAS the District recognizes that it needs a shut off policy; and

WHEREAS the Delinquent Account Shutoff policies must be outlined in a resolution.

THEREFORE, BE IT RESOLVED by the Board of Commissioners of Whatcom County Water District No. 13, Whatcom County, Washington, as follows:

- Section 1. Interruption of Service. The District reserves the right to turn off the water supply, with notice, for nonpayment of charges. Each property owner shall take such precautions on the property served as may be necessary to protect devices connected to the water supply from damage caused by interruption of service.
- Section 2. One Account Per Meter. There shall be one account and one bill per water meter, regardless of the number of units serviced by each meter. Each customer will be charged once connected to the system regardless of usage and/or vacancy.
- Section 3. Bi-Monthly Billing. There shall be one billing every two months. Each water bill shall include the billing date, billing period and water consumption. The billing date will be the date the bill is mailed to the customer of record.
- Section 4. Past Due Date. Each bill will have a past due date. The due date shall be the last day of the billing cycle.
- Section 5. Penalty Charges. All service charges that are not paid by the due date shall be considered past due and subject to a penalty charge of 10% of the delinquent water service charges. Additional penalty charges shall not be computed on prior penalty charges.
- Section 6. Delinquent Notices. Delinquent bills shall be mailed to any customer of record that does not make payment of their water bill on or before the past due date shown on their water bill. Delinquent notices shall be mailed to the customer of record fourteen (14) days after the past due date. The delinquent notice will allow the delinquent customer of record seven (7) calendar days to make payment.

Section 7. Final Notice. Service Termination Notices shall be hung on the property of the customer of record notifying the customer that their water service will be disconnected if payment is not received within seven (7) calendar days. The Service Termination Notice shall specify the amount which is delinquent, and the interest and penalty charges due. The property owner, or representative if any, shall pay in cash, check, credit card, or debit card the delinquent amount, plus interest and penalty charge, within seven (7) days of the date of the Notice to avoid service termination and the related service termination charge.

If a customer receives a service termination notice hung on the property, the customer's account will be charged \$ 25.00 for the notice. The Service Termination Notice shall be the only notification by the District to the property owner, or representative if any, prior to Service Termination. The District reserves the right to deviate from this schedule, however, the sequence of events shall remain the same.

Section 8. Service Termination. If payment in full of the delinquent water service charges, together with interest and penalty, is not received by the District within 7 days of the date of the Service Termination Notice, and the District does not receive a request for a review of billing charges, or payment in full of the delinquent water service charge, together with interest and penalty, is not received by the District within seven days of sending the decision of the Board of Commissioners, the District shall terminate the water service to the property. There shall be a service termination charge of \$75.00. If District personnel are dispatched to the serviced property to turn the water off, this charge shall be assessed even if service is not actually terminated.

Section 9. Reactivation. Service shall be resumed, at the specific request of the property owner or representative, if the delinquent amount, plus interest and penalty charge, service termination notice charge, service termination charge and any other charges, are paid in cash, check, credit card or debit card. There shall be no charge for reactivation service during regular business hours, Monday through Friday, 8:00 a.m. to 4:00 p.m. (other than the service termination charge described in Section 8), but there shall be an overtime charge of \$150.00 for reactivating service after regular business hours.

Section 10. Heat-Related Reconnections. It is the policy of the District to allow customers of record who are disconnected due to a lack of payment to be temporarily reconnected upon request during heat-related events in accordance with RCW 57.08.081.

- (a) The District will not effect, due to a lack of payment, an involuntary termination of water service to a customer of record on any day for which the National Weather Service (NWS) has issued or announced that it intends to issue a heat-related alert, such as an excessive heat warning, a

heat advisory, an excessive heat watch, or similar alert for the area in which the customer of record's address is located

- (b) The customer of record at whose dwelling water service has been disconnected for lack of payment may request the District to reconnect service on any day for which the NWS has issued or has announced that it intends to issue a heat-related alert for the area in which the customer of record's address is located.
- (c) The District shall inform the customers in the disconnection notice of the ability to seek reconnection in the event of a heat related alert and provide clear and specific information to make the request and how to contact the District.
- (d) Upon receipt of a request to reconnect, the District shall promptly make a reasonable attempt to reconnect service.
- (e) The District will not require payment by the customer of record to have service temporarily restored during the heat-related event.
- (f) Upon expiration or termination of the heat-related alert by the NWS, if the customer's account continues to remain delinquent, service shall be interrupted with no further notice to the customer. The District will not impose an additional disconnection fee.
- (g) The General Manager or designee is authorized to suspend disconnections to avoid termination of water service during certain periods of the year when heat advisories are most likely to occur.
- (h) On an annual basis, the District shall submit a report, if required, to the Department of Commerce that includes the total number of disconnections and other information as requested by the department that occurred on each day for which the NWS issued or announced that it intended to issue a heat-related alert.
- (i) This policy does not modify other provisions in this resolution for periods unrelated to heat-related events.

Section 11. **Reactivation Without Consent.** If service is reactivated without consent of the District by any party, an unauthorized reactivation charge of \$250.00 shall be assessed against the serviced property, regardless of actual responsibility for the reactivation. The reactivation charge for a repeat unauthorized reactivation within a two-year period shall be \$500.00.

Section 12. **Failure to Receive a Bill.** Failure to receive a bill does not relieve a property owner, or representative if any, of the responsibility for payment of charges and penalties.

Section 13. Payment Arrangements/Installments. The District may allow payment arrangements/installments for billing charges, provided the customer adheres to the payment installments and conditions as follows:

- (a) If the service to the property has been terminated or is active the customer petitions either verbally or in writing to the billing department requesting that payment arrangements be approved by the Board of Commissioners.

Section 14. Default of Payment Arrangements/Installments. Failure to comply with the terms of the payment schedule will result in the balance owing on the account becoming due and payable in full immediately to the District. No further payment arrangements will be permitted or negotiated. Outstanding balances become subject to additional charges, service shut off, lien and possible foreclosure proceedings.

Section 15. Appeal. A property owner, or representative if any, may dispute the amount due to the District in accordance with this:

- (a) The property owner, or representative if any, may file a request for review of billing charges prior to termination of water service, provided that the request shall be received by the Board of Commissioners no later than 10 days after the date of the Notice. The Notice shall state the property owner's or representative's name, the legal description of the property served, and the contentions regarding the amount of the billing and the reasons for continuation of water service. The District will not terminate water service while the billing charges are in appeal.
- (b) Upon receipt of a written request for appeal, the District manager or designee shall place the request on the agenda for the next Board of Commissioners meeting. The appellant may present evidence and argument supporting the claims with respect to the water service bill. After considering any evidence and argument presented, the Board of Commissioners shall render a decision in writing as to termination of water service and adjustments to the bill, if any. The District Manager or designee shall send a copy of the decision to the appellant by first class mail. The decision of the Board of Commissioners shall be final and conclusive.

Section 16. Lien and Foreclosure.

- (a) Whenever the water service charges for an account, plus interest and penalty charge, and any other charges, are delinquent for over 60 days, the District shall send a Notice of Intention to File Lien to the property owner or representative, if any, directing the person to pay the delinquent amount no later than 30 days from the date of the letter or to make suitable

arrangements to bring the account current. If payment is not made within 30 days or suitable arrangements have not been made, the account shall be certified as delinquent and a lien shall be filed against the property with the Whatcom County Auditor. For purposes of the lien, all contiguous property owned by the same person or entity shall be subject to the lien. A Lien Filing Fee of \$150.00 will be charged to the delinquent account.

- (b) The Board of Commissioners may enforce collection of the delinquent amount at any time after the charges have been delinquent for a period of 60 days, pursuant to RCW 57.08.081. The District is authorized to foreclose the lien by civil action in the Whatcom County Superior Court, and to request attorney's fees in such amount as the Court may adjudge reasonable. The action shall be in rem against the property and in addition may be brought in the name of the District against an individual, or against all of those who are delinquent in one action, and the laws and rules of the court shall control as in other civil actions. Each account which has been submitted to the District's attorneys for initiation of foreclosure shall be assessed a service charge of \$300.00.

Section 17. Release of Lien. The lien filed with the County Auditor shall not be released until the delinquent amount, plus penalty charges, interest, termination charges, a Release of Lien charge of \$150.00 and any other delinquent charges are paid in full.

Section 18. Effective Date. This resolution shall be effective as of the first day of the next billing cycle after it has been adopted.

Section 19. Savings Clause. If any Section, sentence or portion of this resolution is for any reason determined to be unenforceable or invalid, such determination shall not affect the remaining portion of this resolution.

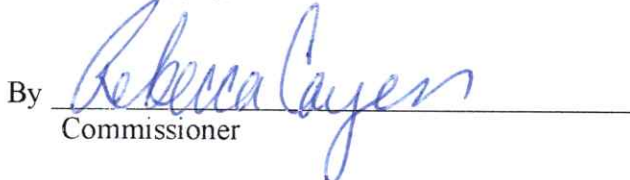
Section 20. Discretion. The Board of Commissioners reserves the right to evaluate aberrations and/or extenuating circumstances on a case-by-case basis and implement appropriate action.

ADOPTED by the Board of Commissioners of Whatcom County Water District No. 13, Whatcom County, Washington, at a regular meeting held on July 23, 2024.

WHATCOM COUNTY WATER DISTRICT #13

By 
Commissioner

By 
Commissioner

By 
Commissioner