

RESOLUTION NO. 20R-07

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE BIGHORN-DESERT VIEW WATER AGENCY
REESTABLISHING ITS INTENT TO UTILIZE CREDIT CARD PROVIDERS FOR
CUSTOMER CONVENIENCE AND PASSING ANY PAYMENT TRANSACTION
PROCESSING FEES DIRECTLY ONTO THE CUSTOMER**

WHEREAS, the Board of Directors of the Bighorn-Desert View Water Agency ("Agency") is required by law to fix and establish fees and charges which will enable the Agency to operate and maintain its water system, provide for debt service payments, repairs and depreciation plus a reasonable surplus for capital improvements; and

WHEREAS, the Agency Rules and Regulations for Water Service (adopted by Ordinance) provides for the amendment of certain charges by resolution, by majority vote of the Board of Directors; and

WHEREAS, the Board of Directors of the Agency desires to fairly allocate the costs of specified services listed below in a fair and equitable manner to be paid by those persons who are the actual beneficiaries or recipients of the services; and

WHEREAS, in 2011 the Agency experienced rising costs of credit card/payment transaction fees ("swipe" fees); and

WHEREAS, the credit card "swipe" fees had doubled in the prior year to approximately \$9,000 per year; and

WHEREAS, the Board of Directors of the Agency desires for the sole purpose of customer convenience to allow the use of credit cards and to that end to utilize credit card processing providers that would result in any accepted electronic fees to be paid by the individual customer; and

WHEREAS, electronic fees could include "swipe" fees from credit or debit cards, or an "electronic check" transaction similar to a "debit card" or Automated Clearing House (ACH); and

WHEREAS, in 2020 the Agency must implement the provisions of SB998 Dodd. Discontinuation of Residential Water Service: Urban and Community Water Systems which changes the residential customer notifications prior to termination for non-payment; and

WHEREAS; SB998 Dodd, allows telephonic notifications of pending termination due to non-payment and the Agency desires to utilize an automated telephonic notification procedure; and

WHEREAS, in 2019 the Agency initiated an automated telephonic notification service which required a change in credit card payment portals and providers of credit card payment services; and

WHEREAS, the new credit card payment portals and providers of credit card payment services also charge "swipe" fees on a sliding scale based on the portal utilized and the credit card type; and

WHEREAS, future adjustments to fees may occur hereafter by the provider at any time and without notice; and

WHEREAS, the Agency may choose to change credit card portals or provider of credit card payment services as it deems necessary.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Bighorn-Desert View Water Agency that the following actions shall be applicable to existing, new and/or transferred customer accounts; and

BE IT FURTHER RESOLVED that the foregoing processes and application of fees shall become effective immediately and that future adjustments to the applicable processes and fees may occur hereafter by the provider at any time and without notice; and

BE IT FURTHER RESOLVED that customers who use the credit card portals will be charged directly for any applicable transaction fee(s) ("swipe" fees); and

BE IT FURTHER RESOLVED that the Agency may choose to change credit card portals or providers of credit card payment services as it deems necessary; and

BE IT FURTHER RESOLVED, that the General Manager and staff of the Agency are hereby authorized and directed to do such things and to take such actions as may be reasonably required to carry out the purpose and intent of this resolution and that Resolution No. 11R-14 is hereby rescinded in its entirety.

PASSED, APPROVED, AND ADOPTED by the Board of Directors to Bighorn-Desert View Water Agency this 28th day of January 2020.

By Judy Cori-Lorono
Judy Cori-Lorono, President of the Board

ATTEST:

J. Larry Coulombe
J. Larry Coulombe, Secretary



Official Seal