

RESOLUTION NO. 21R-13

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE BIGHORN-DESERT VIEW WATER AGENCY
ESTABLISHING CERTAIN FEES AND CHARGES**

(Public Information Request "Paper" Copy Charge, Backflow Device Installation Notification Letter Fee, Backflow Test Reminder Letter Fee, Release of Unsecured Lien for Delinquent Water Charges, Notary Public Fee [non-Agency Documents])

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, on January 28, 2020 the Board adopted Resolution No. 20R-03 establishing various fees and charges; 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, the *Public Information Request "Paper" Copy Charge* (8.5" X 11" paper) is allowed pursuant to the Public Records Act wherein it establishes that the Agency can charge a fee to cover the direct cost of duplication. The Agency will assess a fee of \$0.10 per page copy charge; and

WHEREAS, the *Backflow Test Installation Notification Letter Fee* is assessed whenever an account fails to exercise its responsibility to install the required backflow prevention device following written notification of said regulatory requirement. The Agency will assess a fee of \$35.00 to prepare each *Backflow Device Installation Notification Letter*. The fee would be imposed after the initial notification which occurs either at the time the account is opened upon declaration of the application on the "Water Use Questionnaire" or thereafter upon recognition of a cross connection control hazard by the Agency, and

WHEREAS, the *Backflow Test Reminder Letter Fee* is assessed whenever an account fails to exercise its responsibility to complete the required annual (or as otherwise required) backflow device testing and recertification and therefore must be notified in writing of said regulatory requirement. The Agency will assess a fee of \$35.00 to prepare each *Backflow Test Reminder Letter*, and

WHEREAS, the *Release of an Unsecured Lien for Delinquent Water Charges Fee* covers staff time to process, notarize and mail documents to release unsecured liens from a property's title record. "Unsecured Liens" are filed to protect the Agency from bad debt should a property change hands prior to the imposition of the annual "Secured Lien" process. The Agency shall assess a fee of \$25.00 for each *Release of an Unsecured Lien for Delinquent Water Charges*; and

WHEREAS, the Notary Public Fee is levied on all requests for Notary Public signature acknowledgements on all non-Agency documents. Notary Public signature acknowledgements will be provided at no cost for Agency related documents. However, state law limits this fee to \$15.00 per document. The Agency shall assess a fee of \$15.00 for each non-Agency document to be notarized by a Notary Public.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Bighorn-Desert View Water Agency that the fees and charges identified below are set as follows:

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| 1) <i>Public Information Request "Paper" Copy Charge</i> | \$0.10/page (8.5" x 11" paper) |
| 2) <i>Backflow Device Installation Notification Letter Or Backflow Test Reminder Letter Fee</i> | \$35.00 per occurrence |
| 3) <i>Release of an Unsecured Lien For Delinquent Water Charges Fee</i> | \$25.00 per occurrence |
| 4) Notary Public Fee (non-Agency document) | \$15.00 each document |

BE IT FURTHER RESOLVED that the foregoing fees and charges shall become effective no sooner than 60-days following adoption and that the foregoing fees and charges shall be applicable to all existing, new and/or transferred customer accounts, until further action by the Board of Directors of the Agency; 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. 20R-03 is hereby rescinded in its entirety.

PASSED, APPROVED, AND ADOPTED by the Board of Directors to Bighorn-Desert View Water Agency this 8th day of June, 2021.

By 
John R. Burkhart, President of the Board

ATTEST 
JoMarie McKenzie, Secretary



Official Seal