

RESOLUTION NO. 19R-04

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

(Delinquent Account Service Charge, Public Information Request "Paper" Copy Charge, Variance Application Processing Fee, Backflow Test Reminder Fee, Release of Unsecured Lien Fee, Reversing Payments for Non-Sufficient Funds Fee, Unlock Fee and Notary Public Fee)

WHEREAS, the Board of Directors of the Bighorn-Desert View Water Agency ("Agency") is required by law to fix and establish rates, 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, certain charges imposed by the Agency are subject to the Mitigation Fee Act Procedure described in Government Code Section 66016; 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 Delinquent Account Service Charge is a fee assessed per the Agency Rules and Regulations (Ordinance No. 17O-01), water bills which shall be delinquent twenty (20) days after the date of the billing, and shall be assessed a delinquent charge of a minimum of \$5.00 or 5% of the "past due" amount; 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; and

WHEREAS, the Variance Application Processing Fee covers the cost for staff to analyze customer requests for variances from the Rules and Regulations and to develop staff recommendation to the Board of Directors for consideration of the requested variance; and

WHEREAS, the Backflow Test Reminder Fee is assessed whenever an account fails to exercise its responsibility to complete the required annual backflow device testing and recertification and therefore must be notified in writing of said requirement; 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; and

WHEREAS, the Reversing Payments for Non-Sufficient Funds Fee is intended to cover the cost of reversing the payment in the utility billing customer account, dispatch a field technician to "hang a tag" to immediately notify the customer and to pay banking fees associated with the transaction. Non-Sufficient Funds result from a variety of banking issues such as an "unidentified account number", "closed account", "account with insufficient funds" and the like; and

WHEREAS, the Unlock Fee is imposed whenever the Agency turns off service on or after the 15th day after a bill becomes delinquent per the Agency Rules and Regulations (adopted by Ordinance). Water service turned off for non-payment of bills shall not be turned on again until all accrued fees and charges, including turn-off and turn-on charges, have been paid in full; 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; and

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:

- | | |
|--|--|
| 1) Delinquent Account Service Charge | \$5.00 minimum charge or 5% of the "past due" amount |
| 2) Public Information Request "Paper" Copy Charge | \$0.10 per page (8.5" x 11" paper) |
| 3) Variance Application Processing Fee | \$100.00 each |
| 4) Backflow Test Reminder Fee | \$10.00 each occurrence |
| 5) Release of an Unsecured Lien | \$25.00 each |
| 6) Reversing an Account Payment for Non-Sufficient Funds (NSF) | \$25.00 each occurrence |
| 7) Unlock fee (locked off non-payment) | \$40.00 each occurrence |
| 8) Notary Public Fee (non-Agency document) | \$15.00 each document |

BE IT FURTHER RESOLVED that the foregoing fees and charges shall become effective immediately 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 Nos. 04R-02 and 17R-18 are rescinded in their entirety.

PASSED, APPROVED, AND ADOPTED by the Board of Directors to Bighorn-Desert View Water Agency this 28 day of May, 2019.

By 
Michael McBride, President of the Board

ATTEST:


John R. Burkhart, Secretary

