

RESOLUTION NO. 33-10

RESOLUTION AUTHORIZING THE APPROVAL OF THE CALDWELL UTILITY BILLING POLICY.

**BE IT HEREBY RESOLVED** by the Mayor and Council of the City of Caldwell, Idaho, that the Caldwell City Council has approved the Caldwell Utility Billing Policy made a part hereof as set forth in full.

**PASSED BY THE COUNCIL** of the City of Caldwell, Idaho this 1<sup>st</sup> day of March, 2010.

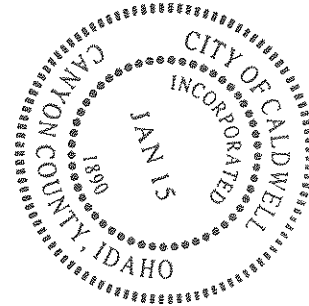
**APPROVED BY THE MAYOR** of the City of Caldwell, Idaho this 1<sup>st</sup> day of March, 2010.

Approved

By *Sam T. Mancala*  
Mayor

ATTEST:

By *Debbie Guya*  
City Clerk



# CALDWELL UTILITY BILLING POLICY

(Water, Sewer, Street lights, Refuse Collection)

## Section 1. Non-Owner Occupied Property

1. Billing a non-owner occupant (LESSEE) IS PERMITTED BY THIS POLICY. Property Owner (OWNER) is responsible for all utility billings assessed to the property regardless of the party initiating the service or the address on the billing notice.
2. Mobile home park owners, with respect to land leased to the owners of manufactured homes in mobile home parks, and the City, with respect to land leased to the owners of airplane hangars at the Caldwell Industrial Airport, will be exempt from this policy. When a delinquency involves property located with a mobile home park or at the Caldwell Industrial Airport, the owner of the manufactured home located in a mobile home park or the owner of the hangar or structure built upon land leased from the City at the airport, will be held liable for any delinquent amounts associated with the property. The City may pursue any lawful remedy in the collection of delinquent amounts against such person(s) or entities.
3. A LESSEE may not initiate service without satisfaction of all outstanding billings and without a signed authorization from OWNER, or its duly constituted agent, approving the initiation of service and acknowledging responsibility for all billings. The authorization shall include the address for mailing of billings (BILLING address) and for mailing of Notices to OWNER address.
4. Either OWNER or LESSEE may terminate service to the property under the following conditions:
  - a. LESSEE may terminate service if they were the party initiating service and the party being billed.
  - b. OWNER may terminate services only if the delinquent balance exceeds the deposit, and as long as a signed authorization for initiation of service is on file at the Caldwell Water Department.
5. Upon termination of service, the Caldwell Water Department will turn off and read the meter and/or prorate sewer, streetlight, and refuse billings to date of termination and prepare a final billing to be sent to OWNER address.
6. Caldwell Water Department shall prepare and mail billings to BILLING address provided at the time of initiation of service for each and every month, or part thereof, in which service is provided. Failure to receive a billing, regardless of the cause, shall not constitute a waiver by the City of Caldwell to receive amounts for services or penalties owing.
7. Each billing is due from the date of its book entry. If payment has not been made by the next monthly book entry, a billing statement (with delinquency noted) shall be forwarded to BILLING address. If payment has not been made by 3:00 p.m. of the afternoon before the next regularly scheduled shutoff day. The account shall be considered delinquent and all provisions of the shutoff policy (defined in current fee resolutions) shall apply. A current

billing statement, including penalties and late charges, shall be mailed to the OWNER address within seven (7) days of shut-off date for services terminated.

8. If payment has not been made within 90 days of the initial book entry, a lien may be filed against the property and service shall not be reinstated until the lien has been satisfied including usage fees, penalties and costs for preparing, filing and foreclosing the lien. Additionally, written notice shall be provided to OWNER of the filing of the lien and the cost amounts and basis for its filing.

## Section 2. Owner Occupied Property

1. OWNER is responsible for all utility billings assessed to the property after initiating the service. The OWNER shall provide the address for mailing of billings and Notices to OWNER at the time of initiation of service.
2. OWNER may not initiate or reinstate service without satisfaction of all outstanding billings.
3. Upon termination of service, the Caldwell Water Department will turn off and read the meter and/or prorate sewer, streetlight, or refuse billings to date of termination and prepare a final billing to be sent to OWNER address.
4. Caldwell water Department shall prepare and mail billings to the OWNER address provided at the time of initiation of service for each and every month, or part thereof, in which service is provided. Failure to receive a billing, regardless of the cause, shall not constitute a waiver by the city of Caldwell to receive amounts for services or penalties owing.
5. Each billing is due from the date of its book entry. If payment has not been made by the next monthly book entry, a billing statement (with delinquency noted) shall be forwarded to OWNER address. If payment has not been made by 3:00 p.m. of the afternoon before the next regularly scheduled shutoff day, the account shall be considered delinquent and all provisions of the shutoff policy (defined in current fee resolutions) shall apply.
6. If payment has not been made within 90 days of the initial book entry, a lien may be filed against the property and service shall not be reinstated until the lien has been satisfied including usage fees, penalties and costs for preparing, filing and foreclosing the lien. Additionally, written notice shall be provided to OWNER of the filing of the lien and the cost amounts and basis for its filing.

## Section 3. Sign-up (Initiation) Procedures.

1. Initiation of service must be made in person at the Water Department Office Located at City Hall. A picture I.D. is required of all applicants. Either a social security or driver's license number will be required before initiation of residential service. Similarly, a tax identification number will be required for initiation of a commercial account.

2. A "new account" fee (non-refundable) in an amount set by Council Resolution will be charged on the first monthly water bill. A deposit (conditionally refundable) in an amount set by Council resolution will be collected at the time of initiation of service.

#### Section 4 Deposits.

1. All new accounts are required to provide a conditionally refundable deposit at the time of initiation of service except as provided in this billing policy. The deposit amount shall be set by Council Resolution.
2. Any person or entity with a history of non-payment or delinquent payment to the City of Caldwell or any department thereof, regardless of time, may be refused service or may be required to pay double the deposit amount, at the option of the city. In all instances, the delinquency(ies) must be brought current, including penalties, collection costs and interest before service can be initiated or reinstated.
3. Dumpster deposits may be required based on amounts set by Council Resolution and in accordance with policies proposed by the contract waste hauler and adopted by Council Resolution.
4. Existing accounts without a deposit and with two (2) delinquencies in a twenty-four (24) month period may be required to provide a deposit as a condition of reinstating service.
5. After Twenty-four (24) months of clean credit history (no delinquencies, no violations of connection protocols), the deposit of a property OWNER may be refunded or applied as credit to the account upon written request. Any delinquencies or connection violations will restart the credit history clock.
6. A property OWNER with a clean credit history for the previous twenty-four (24) months at one location in the city, moving to a new location, will be excused from paying a deposit upon initiation of service at the new location.
7. At the closing of an account, all or portion of the deposit shall be applied to the balance owing on the account. Any amount remaining may be refunded or applied to the deposit of a new account.

#### Section 5 Delinquent Accounts.

1. All delinquent accounts will be assessed a "late penalty" in an amount established by Council Resolution and entered in the shut-off register. All current, delinquent, deposit, penalty and fee amounts must be paid before service to the property will be restored. Any delinquent accounts with a non-owner occupant and without a signed owner authorization, are required to obtain one before service is reinstated.

2. Arrangements for late payments may be made at the Water Board, which meets every Wednesday at 9:00 a.m. at City Hall. The water Board is authorized to extend payment time up to 2 weeks or less for qualifying account. A qualifying account is one with less than three (3) delinquencies in the last twenty-four (24) months. Failure to meet a deadline of an arrangement for late payment shall constitute a delinquency, service shall be terminated, a "late penalty" shall be assessed and the account shall be subject to a deposit ( as provided elsewhere in this policy) before reconnection of service. In the event a LESSEE requests an arrangement for late payment, written approval of OWNER is required.
3. The city will not accept note payment arrangements on account unless individually, explicitly approved by City Treasurer. Until approved, all provisions of this policy shall apply. In the event a LESSEE request an arrangement for note payment, written approval of OWNER is required.
4. The city will not accept responsibility for damage to property and equipment for inconvenience or for loss of opportunity resulting from discontinuation of service in compliance with this policy.
5. For accounts serving individuals with health concerns where water service is critical, an additional 30 days before service termination may be allowed. Accounts desiring this allowance must make written application supported by a Doctor's written statement and written approval of the OWNER in the case of non-owner occupancy. All other requirements of the policy, such as "late penalty", apply at the dates and times prescribed in the shut-off policy (defined in current fee resolution). Failure to correct the delinquency within the thirty (30) days shall result in termination of service. This allowance ends when the health issue ends.
6. Upon termination of service the City may elect to apply deposit amounts to unpaid billings. However, service will not be reinstated until remaining unpaid amounts are paid and new deposit is provided all in compliance with this policy.
7. All Delinquent accounts must be paid in full or existing services could be discontinued. Water will not be restored until all delinquencies are paid in full.