

RESOLUTION NO. 20 - 8506

**A RESOLUTION ADOPTING
BECKWOURTH COMMUNITY SERVICE AREA
BILLING COLLECTION PROCEDURES**

WHEREAS, the Board of Supervisors of the County of Plumas acting as the Beckwourth County Service Area (BCSA) Governing Board, is required to adopt sewer service fees for the BCSA as required by section XIV of the Ordinance No. 73-18 and,

WHEREAS, Resolution 18-8303, a Resolution Revising BCSA Sewer Rates, dated January 9, 2018, establish fees based on equivalent dwelling units EDU; and,

WHEREAS, such sewer service fee is necessary for the financial operation of the BCSA, including the accumulation of a reserve, for foreseen and unforeseen future capital improvements; and,

WHEREAS, No written protests against the proposed billing collection procedures and services were received prior to the conclusion of the public hearing; and

WHEREAS, Resolution 18-8303 does not specifically address billing collection procedures, particularly those accounts that have become in arrears.

NOW, THEREFORE, BE IT RESOLVED that the following billing procedure and the collection of unpaid fees be established for all public, private, residential, commercial and industrial properties within the BCSA including service provided within the sphere of influence:

Section 1.1 Definitions and Terms

The following definitions and terms are applicable only to the administration of matters pertinent to the BCSA.

Account Holder refers to the person, or company, whose name is on a billing statement.

Arrear(s) is money that is owed and should have been paid earlier.

Billing Cycle is the interval of time from the end of one billing statement date to the next billing statement date for sewer services provided on a recurring basis. Billing cycle is from the 25th to the 25th of each next month.

Billing Statement is a monthly report issued to an account holder showing their monthly minimum payment due and other key information. Billing statements are issued monthly at the end of each billing cycle.

Past Due is a payment on an account that has not been received by District staff as of its due date.

Section 2.1 Description of Services and Billing Procedures

Services for improved lots are comprised of sewer services. All charges and rates for sewer service are based on annual fees, set forth in BCSA Resolution 18-8303, as may be amended, and are billed on the 25th of each month by the District. Billing Statements will be sent out each month on the 25th. The obligation may be prepaid (annually, semi-annually, or quarterly) at the option of the property owner.

Payment is due within 30 calendar days from the date of the Billing Statement. If no payment is received within 30 calendar days, the account will be considered Past Due, at which time a Statement and Past Due Notice shall be issued. The District shall forward a Statement and Past Due Notice to the account holder and the property owner whose name(s) is listed on the Plumas County Tax Record. Failure to pay any portion of the invoice will be considered as a default on the account and Basic Penalties shall be implemented.

No sewer standby fee is currently in place for unimproved (vacant) lots.

In the case of rental property, the property owner name(s) is listed on Plumas County Tax Records is considered the party responsible for payment of all service fees.

Section 3.1 Basic Penalties

The Manager of the BCSA is responsible for issuing the following:

Late Fee(s): Pursuant to the provisions of Government Code Section 61115(a)(3)(c), if no payment is received within 30 calendar days, the account will be considered Past Due, at which time a Statement and Past Due Notice shall be issued, including a late charge of 10% (of the monthly bill) on the Billing Statement. If no payment is received within 30 calendar days of the first Past Due Notice, a second Past Due Notice including a late charge of 1% (of the monthly bill) will be applied to Billing Statement. This will continue monthly until all fees have been paid.

Past Due Notice(s): shall include information regarding the following subjects:

1. Arrangements to make payments.
2. File a complaint or request investigation regarding services or charges.
3. Request information regarding financial assistance.

Other Fees: A returned check fee of \$25.00 will be charged in the event a check is returned due to insufficient funds.

Section 4.1 Collection Method

If payment (in full) is not received within one fiscal year of the first Past Due Notice, the District may employ any and all legal methods to collect outstanding debts including, but not limited to, recording certificates specifying the amount(s) due. Such recording of which constitutes a Lien, which shall include actual costs* associated with the Lien (including recordation, release, and notary costs).

**These costs being "Actual Costs" cannot be estimated as they are subjective to the amount of fees calculated on the Past Due Notice(s), administrative time, and recording fees not governed by this Resolution.*

Section 5.1 Existing Past Due Account Holders

Per, and on, the effective date of this Resolution, August 4, 2020, any Account Holders currently Past Due shall

be issued a "first" Past Due Notice per Section 3.1 of this Resolution.

Section 6.1 Penalty Summary

Past Due Notice Fee(s)

(1st Month Past Due) _____ 10.00% (of monthly bill)
(2nd Month Past Due) _____ 1.00%* (of monthly bill)

Past Due / Lien Fee(s)

(Recordation) _____ Actual Cost**
(Release) _____ Actual Cost**
(Notary) _____ Actual Cost**

*Continuing monthly until all fees have been paid.

**These costs being "Actual Costs" cannot be estimated as they are subjective to the amount of fees calculated on the Past Due Notice(s), administrative time, and recording fees not governed by this Resolution.

Section 7.1 Public Posting

The Clerk of the Governing Board of Beckwourth County Service Area shall certify the adoption of the Resolution and shall post or publish this Resolution as required by law.

Section 8.1 Effective Date

This Resolution was introduced on August 4, 2020, and adopted by the Governing Board of the Beckwourth County Services Area, State of California, at a regular meeting of said Board held on August 4, 2020, by the following vote:

AYES: Governing Board Members: SUPERVISORS SIMPSON, THRALL, ENGEL, GOSS

NOES: Governing Board Members: NONE

ABSTAIN: Governing Board Members: NONE


Chair, Governing Board, BCSA

ATTEST:


Clerk of the Board

Approved as to form:



Gretchen Stuhr

Deputy County Counsel III

6/15/20

**BECKWOURTH COMMUNITY SERVICE AREA
C/O PLUMAS COUNTY ENGINEERING DEPARTMENT**

555 WEST MAIN STREET • QUINCY, CA 95971 • (530) 283-6268 • FAX (530) 283-6323

Robert A. Perreault, Jr., P.E.

County Engineer and Manager, BCSA

NOTICE OF PUBLIC HEARING

**PROPOSED BILLING PROCEDURE AND THE COLLECTION OF UNPAID FEES TO BE
ESTABLISHED FOR ALL PUBLIC, PRIVATE, RESIDENTIAL, COMMERCIAL AND
INDUSTRIAL PROPERTIES WITHIN THE BCSA, INCLUDING SERVICE PROVIDED
WITHIN THE SPHERE OF INFLUENCE**

A billing procedure is being proposed by Resolution, to include late fee(s) and collection methods for said late fee(s) in accordance with provisions of Government Code Section 61115(a)(3)(c), if no payment is received within 30 calendar days, the account will be considered Past Due, at which time a Statement and Past Due Notice shall be issued. Said proposed billing procedure will include a 10% Past Due fee (first month Past Due), a 1% Past Due fee (second month Past Due), a returned check fee of \$25, and lien fees (if payment is received within one fiscal year of first Past Due Notice).

Pursuant to this Notice, the Governing Board of the Beckwourth County Services Area will conduct a Public Hearing, regarding a proposed billing procedure, including late fee(s) and collection methods for said late fee(s), on August 4, 2020, beginning at 10:00 AM, in the Board of Supervisors Meeting Room, located in the Courthouse (Room 308) at 520 Main Street, Quincy, California.

The following information is pertinent:

Services for improved lots within BCSA are comprised of sewer services. All charges and rates for sewer service are based on annual fees, set forth in BCSA Resolution 18-8303, as may be amended, and are billed on the 25th of each month by the District. Billing Statements will be sent out each month on the 25th. The obligation may be prepaid (annually, semi-annually, or quarterly) at the option of the property owner.

Payment is due within 30 calendar days from the date of the Billing Statement. If no payment is received within 30 calendar days, the account will be considered Past Due, at which time a Statement and Past Due Notice shall be issued. The District shall forward a Statement and Past Due Notice to the account holder and the property owner whose name(s) is listed on the Plumas County Tax Record. Failure to pay any portion of the invoice will be considered as a default on the account and Basic Penalties shall be implemented.

Rate Protest Procedure:

Customers within BCSA wishing to protest the proposed billing procedure, including proposed late fees and collection methods, must do so in writing. Letters may be mailed to the Beckwourth County Services Area office at: 555 Main Street, Quincy, CA 95971 or written protests may be submitted in person at the August 4, 2020, Public Hearing. All written protests must be received prior to the start of the Public Hearing.

All protests must include the following minimum information;

- The BCSA customer's signature and date;
- The BCSA customer's name, printed or typed, under the signature;
- The address, or assessor parcel number, of the property within the BCSA;
- A written, printed or typed, statement that the author of the protest letter is the BCSA customer;
- A written, printed or typed, statement that the letter constitutes a protest of the proposed billing procedure.

If the County receives written protests from a majority of BCSA customers, it cannot adopt the proposed billing procedure, including proposed late fees and collection methods.

In the event that a majority protest does not occur, following the Public Hearing, the Governing Board of the Beckwourth County Services Area may vote to adopt the proposed billing procedure, including proposed late fees and collection methods.

Adoption of the proposed billing procedure may not occur at the scheduled Public Hearing if time is needed to verify and count the letters of protest.

If adopted by the Governing Board of the Beckwourth County Services Area on the date of the Public Hearing, August 4, 2020, the effective date of the proposed Resolution will be effective upon the same date as the Public Hearing, August 4, 2020.



Robert A Perreault, Jr.
Manager of BCSA
Director of Public Works
Plumas County

JUNE 11, 2020
date