

# RESOLUTION NO. 21 - 8563

## A RESOLUTION AMENDING RESOLUTION 20-8506 “A RESOLUTION ADOPTING BECKWOURTH COMMUNITY SERVICE AREA BILLING COLLECTION PROCEDURES”

**WHEREAS**, it has come to the attention of the Board of Supervisors of the County of Plumas acting as the Beckwourth County Service Area (BCSA) Governing Board that certain language should be clarified within Resolution 20-8506 to further explain the calculations used in the Collection Procedures as described below; and

**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 which was held on August 4, 2020 at the regularly scheduled Board of Supervisors of County of Plumas meeting; 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 25<sup>th</sup> to the 25<sup>th</sup> 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 25<sup>th</sup> of each month by the District. Billing Statements will be sent out each month on the 25<sup>th</sup>. 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 Penalties**

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

- a) 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.
  - 1) Basic Penalty: The first Past Due notice shall include a Basic Penalty of 1% charged against the Past Due amount as shown on the Billing Statement.
  - 2) Additional Penalty: If no payment is received within 30 calendar days of the first Past Due Notice, a second Past Due Notice including an Additional Penalty of 1% will be applied to the Past Due monthly charge(s) Past Due amount as shown on the Billing Statement. This Additional Penalty of 1% will continue to be calculated against the Past Due amount(s) as shown on the Billing Statement monthly for eleven consecutive months, or until all Past Due amounts and Late Fees have been paid, whichever comes first.
- b) Past Due Notice(s): shall include the option to; file a complaint or request investigation regarding services or charges.
- c) 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 calendar year (twelve months) of the first Past Due Notice, the

District may employ any and all legal methods (Pursuant to the provisions of Government Code Section 61115) 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 subject 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, February 16, 2021, 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):

1 <sup>st</sup> Month Past Due	1.00%*
2 <sup>nd</sup> Month Past Due	1.00%**
3 <sup>rd</sup> Month Past Due	1.00%**
4 <sup>th</sup> Month Past Due	1.00%**
5 <sup>th</sup> Month Past Due	1.00%**
6 <sup>th</sup> Month Past Due	1.00%**
7 <sup>th</sup> Month Past Due	1.00%**
8 <sup>th</sup> Month Past Due	1.00%**
9 <sup>th</sup> Month Past Due	1.00%**
10 <sup>th</sup> Month Past Due	1.00%**
11 <sup>th</sup> Month Past Due	1.00%**
12 <sup>th</sup> Month Past Due	1.00%**
13 <sup>th</sup> Month Past Due	Collection methods per Section 4.1 may be employed

*\*Basic Penalty per Section 3.1(a)(1)*

*\*\*Additional Penalty per Section 3.1(a)(2)*

### **Section 7.1 Collection Method Summary**

Past Due / Lien Fee(s)

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

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

### **Section 8.1 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.

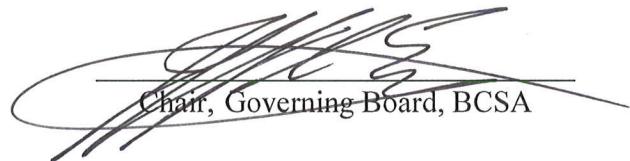
### **Section 9.1 Effective Date**

This Resolution was introduced on February 16, 2021, and adopted by the Governing Board of the Beckwourth County Services Area, State of California, at a regular meeting of said Board held on February 16, 2021, by the following vote:

**AYES:** Governing Board Members: THRALL, HAGWOOD, CERESOLA, GOSS, ENGEL

**NOES:** Governing Board Members: NONE

**ABSTAIN:** Governing Board Members: NONE



Chair, Governing Board, BCSA

**ATTEST:**



Clerk of the Board