

**SAMMAMISH PLATEAU WATER & SEWER DISTRICT
KING COUNTY, WASHINGTON**

RESOLUTION NO. 5206

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF
SAMMAMISH PLATEAU WATER AND SEWER DISTRICT, KING
COUNTY, WASHINGTON, PERTAINING TO BILLING PROCEDURES;
AMENDING THE CODE OF RESOLUTIONS OF THE SAMMAMISH
PLATEAU WATER AND SEWER DISTRICT AT SECTION 3.15.010;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, the Sammamish Plateau Water and Sewer District has codified its policies and procedures for billing, payment, and collections for water and sewer service rates and charges at Chapter 3.15 of the Code of Resolutions of the Sammamish Plateau Water and Sewer District; and

WHEREAS, the District regularly reviews and suggests modifications to its codified policies and procedures for billing, payment, and collections to ensure the policies and procedures effectively serve both the District's customers and the District's administrative needs; and

WHEREAS, in addition, the Washington State Legislature adopted Engrossed Substitute House Bill 1329 during the 2023 legislative session, which prohibits utility shutoffs for nonpayment during extreme heat subject to certain terms and conditions, effective July 23, 2023; and

WHEREAS, the adoption of ESHB 1329 necessitates modifications to the District's policies and procedures for billing, payment and collections to ensure compliance; and

WHEREAS, the Board of Commissioners finds that adoption of the amendments to the policies and procedures set out herein are consistent in the best interest of the District and its customers; now, therefore,

BE IT RESOLVED, by the Board of Commissioners of Sammamish Plateau Water & Sewer District, King County, Washington, as follows:

SECTION 1. Amendment. The Code of Resolutions of the Sammamish Plateau Water and Sewer District, at Section 3.15.010, *Establishing billing, payment, and collections procedures and policies for water and sewer service rates and charges*, is hereby amended to read follows:

Sec. 3.15.010. Establishing billing, payment, and collections procedures and policies for water and sewer service rates and charges.

(a) Definitions. The following definitions shall apply to the provisions set forth herein:

Bill date: The date identified on a bill for utility services provided.

Collection process: Notifications to customers of bills for utility services provided, and outstanding amounts and delinquency penalties incurred.

Customer: The person, corporation, association, or other entity in whose name the real property being furnished utility service by the District is recorded with the county auditor's office or equivalent office as the owners of such real property.

Customer account: The account that is maintained by the District for each property, commercial or residential or other, for utility services provided by the District to such property, the charges for such services being deemed charges against the property served.

Delinquency penalty: The penalty established by the Board of Commissioners from time to time by resolution under the authority granted in RCW 57.08.081(3), or as such statute may be modified, amended or superseded.

Delinquent: A customer's account has not been paid in full by the due date.

Delinquent sum: Any portion of a customer account which remains due and unpaid, including any penalties and interest.

Due date: The date identified on a customer bill by which payment of the bill is due.

Shut-off: The discontinuation of service referred to in RCW 57.08.081(5), or as such statute may be modified, amended or superseded.

Shut-off date: The date identified on final notification for the delinquent account by which payment of delinquent sum is due to avoid shut-off.

(b) Utility service billing: The District bills its customers on a monthly basis for water and sewer service to each customer's property during the preceding calendar month; provided, that the initial or final bill to any customer may be prorated for a period of less than one month. Each bill shall be payable as follows:

(1) All sums not paid in full by the due date shall be considered delinquent. A one-time delinquency penalty of ten percent shall be charged. The customer shall be notified of the delinquent sum including the delinquency penalty, and to remit payment to avoid disconnection of water and sewer service.

(2) If delinquent sum is not paid, the customer will be provided a final notification that the water and sewer service to such customer's property may be

shut off by a defined date if payment in full of all delinquent sums are not paid to the District after receiving this notification for the delinquent account.

(3) On the defined shut-off date, the customer will be notified that the water and sewer has been shut off until payment of all delinquent sums are paid in full to the District. The delinquent customer account shall also be charged a fee as established by the Board, and such fee shall be included in the next utility service billing for the disconnection and reconnection of service.

(4) The notice referenced in subsection (b)(2) of this section shall also advise the customer of their right to file a written notice of appeal with the District prior to the shut-off date for the delinquent billing. The customer's written notice of appeal to dispute the delinquent billing shall adhere to the process set forth in subsection (g) of this section.

(5) The District may shut off and discontinue water and sewer service to the delinquent customer's property unless the customer has filed a written notice of appeal with the District as provided above, and a final determination has not yet been made on such billing.

(6) If any delinquent sum remains due and owing after the shut-off date for the delinquent billing, the District may certify the delinquent sum to the county auditor as delinquent and record a lien against the property upon which the utility service was received in the amount of the delinquent sum. The delinquent sum shall also include interest accrued thereon at the rate of the prime lending rate of the District's depository bank plus four percentage points as of the date of recording the lien, until such delinquent sum is paid in full to the District together with all fees and costs incurred by the District to file the lien. After the filing of the lien, the District may bring suit in foreclosure of the lien as authorized by law.

(c) Payment arrangements. Payment arrangements for delinquent sums owing on customer accounts may be allowed to be made with the owner of property with a delinquent account for payment to be made in full.

(d) Delinquent sums/penalties. All bills sent by the District shall clearly state the amount of all delinquent sums and the amount of delinquency penalties and interest that have been charged to the customer account during the period to which the utility service billing pertains.

(e) Resumption of service. After a service has been shut off for nonpayment, all delinquent sums (including the delinquency penalty) must be paid in full before water and sewer service will be resumed unless a customer enters a payment arrangement approved by the District. Lien-filing fees, interest, and charges for the disconnection and reconnection of service are added to and due with the next utility service billing.

In the event of a Weather Related Heat Advisory the District shall adhere to resumption of service regulations set forth in RCW 57.08.081(9)(a).

(f) Lien; creation/foreclosure. The Finance Manager shall review, on a monthly basis, all customer accounts that have been delinquent for the prescribed period and verify that all such delinquencies have been certified to the county auditor, and have the same declared a lien against such property in accordance with RCW 57.08.081(3).

The Finance Manager shall prepare an annual list of all customer accounts which contain sums that have been delinquent for the prescribed period and have been declared a lien against such properties, and transmit the list to the Board of Commissioners; the Board of Commissioners shall then determine whether suit shall be brought to foreclose all such liens and collect such accounts in accordance with the provisions of RCW 57.08.081 and this section.

(g) Billing disputes; appeal process.

(1) The customer's written notice of appeal must be done utilizing a form provided by the District. Such form shall specify what the customer is requesting/disputing, the basis/reasoning why the customer disputes the delinquent billing and/or billing administrative fees, including supporting evidence and documentation related to the request. If possible, the customer should provide an estimate of the proper amount of the bill.

(2) After reviewing the customer's appeal and supporting evidence and documentation, the power to make a determination on the billing dispute and take action including correcting, modifying, or affirming the bill are delegated as follows:

a. Customer Service staff have authority up to \$50.00.

b. The Finance Manager has authority up to \$250.00.

(3) Should any customer disagree with District staff's determination, the customer may request to appear before the Board of Commissioners. After reviewing the customer's request and supporting evidence and documentation, the Board of Commissioners shall have the power to make a final determination on the billing dispute and take action including correcting, modifying, or affirming the bill.

(4) Billing adjustment requests due to leaks shall adhere to the leak adjustment policy.

(h) Billing disputes; time limitation on contesting bill. In addition to the appeal procedure set forth in subsection (g) of this section, should any customer disagree with the amount of any bill relating to a customer account for any reason, the customer has 30 days following the termination of utility service to contest. Upon expiration of this period for contesting a bill without the District having received any written request as provided by this section, the customer account shall be deemed final and accurate.

(i) A ratepayer may request one delinquency penalty be removed every two years, without needing to submit a written request, if the ratepayer is registered for the District's customer portal and has bill notification enabled.

SECTION 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this Resolution.

SECTION 3. Corrections. Upon approval of the District's Legal Counsel, the clerk and the codifiers of this Resolution are authorized to make necessary technical corrections to this Resolution, including, without limitation, the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or section/subsection numbering.

SECTION 4. Effective Date. The Resolution shall be in full force and effective upon adoption hereof.

ADOPTED by the Board of Commissioners of Sammamish Plateau Water and Sewer District, King County, Washington, at a regular open public meeting held on the 3rd day of July 2023.

***Individual Commissioner's
Vote on this Resolution:***

Approved: _____
Opposed: _____☒
Abstained: _____
Absent: _____

Approved: _____
Opposed: _____☒
Abstained: _____
Absent: _____

Approved: _____☒
Opposed: _____
Abstained: _____
Absent: _____

Approved: _____☒
Opposed: _____
Abstained: _____
Absent: _____

Approved: _____☒
Opposed: _____
Abstained: _____
Absent: _____



Lloyd Warren, President and Commissioner



Ryika Hooshangi (Jul 5, 2023 08:17 PDT)

Ryika Hooshangi, Vice President and Commissioner



Mary Shustov (Jul 3, 2023 16:09 PDT)

Mary Shustov, Secretary and Commissioner



Tom Harman, Commissioner



Nav Ota, Commissioner