

**MIDWAY SEWER DISTRICT
RESOLUTION NO. 2014 - 10**

RESOLUTION AMENDING DISTRICT CODE

Background: RCW 57.08.005 and RCW 57.08.081 establishes that the Board may establish rates charges and fees for providing sewer services.

The District occasionally encounters situations in which customers have been under billed or over billed for services received and the Board intends to formally establish its policy regarding collection of under charges and refunds of over charges consistent with the requirements of State law.

Resolution: NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Midway Sewer District approves the following additions to the Midway Sewer District Code:

Chapter 5.20 of the Midway Sewer District Code is hereby amended to add the following new Sections:

5.20.180 Billing and Collection of under billed properties.

- (1) On discovery of an account under billing, District staff shall immediately notify the customer of the under billed amounts for up to six years (RCW 4.16.040(2)) from the date the under billing is identified and request payment of the under billed amounts. Such amounts shall be added to the Customer account, shall be considered an account receivable and the District shall take all reasonable actions to recover the under billed amounts.
- (2) If a customer disagrees with the amount of the under billing charged to the customer's account the customer shall have 60 calendar days from the date the customer is notified of the under billing in which to appeal such charge to the Board of Commissioners.
- (3) The customer appeal shall be in writing and shall set forth the name, address and phone number of the person requesting the hearing; the amount of the billing; the dates of service; and the basis for the objection.
- (4) The District general manager or designee shall set a hearing date and time within two weeks of the date of receipt of the request for a hearing, and shall advise the person requesting the hearing of the hearing date, time and location using the address and telephone information provided by the requestor.
- (5) Failure of the requestor to appear for the hearing without prior notice and excuse shall constitute a waiver of the hearing.
- (6) At the hearing, the requestor shall have the opportunity to present evidence and argument in support of requestor's objections to the charged amounts.

- (7) The Board of Commissioners shall consider the evidence and argument submitted by the requestor and make a determination on requestor's challenge in writing within 10 days of the hearing.

5.20.190 Refund of Over Charged Properties. On discovery of an account over charge, District staff shall immediately notify the customer of the over charge. District staff shall credit the over charged customers account for the total amount of over charges incurred during the three year period from the date the overcharge was discovered (RCW 4.16.080). This provision shall not apply to unconnected properties in a ULID, which are addressed in Section 5.20.020.

Adoption: ADOPTED at a regular meeting of the Board of Commissioners of Midway Sewer District on October 22, 2014 the following Commissioners being present and voting:

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner