

RESOLUTION NO. 168

**A RESOLUTION RESCINDING RESOLUTION NO. 148 “ESTABLISHING
RATES AND CHARGES FOR THE USE AND SERVICE OF THE CENTER
JUNCTION, IOWA WATER SYSTEM” AND ADOPTING NEW RATES AND
CHARGES FOR THE WATER SYSTEM**

Be It Resolved by the Board of Commissioners of the Eastern Iowa Regional Utility Service Systems (EIRUSS):

WHEREAS, Resolution No. 148 adopted by EIRUSS on May 31, 2023 is hereby rescinded and replaced with the provisions of Resolution No. 168, and

WHEREAS, EIRUSS will operate a water system in the Community of Center Junction in Jones County, Iowa, and

WHEREAS, adequate rates must be established to provide funds for the payment of debt and for operation of the system, and

WHEREAS, procedures must be established for the collection of bills, and

WHEREAS, these procedures will be performed with the cooperation and for the benefit of the Jones County, Iowa Board of Supervisors,

THEREFORE, BE IT HEREBY RESOLVED by EIRUSS as follows:

SECTION 1. PURPOSE.

EIRUSS is adopting rates and charges with the purpose of providing revenues to support the water system operating in the community of Center Junction, Jones County, Iowa as follows:

SECTION 2. WATER UTILITY DEFINED.

For use in this Resolution, water system is the water utility owned and operated by EIRUSS for the unincorporated area in Jones County known as Center Junction under a 28E Agreement with Jones County.

SECTION 3. APPLICATION FOR SERVICE.

Applications for a new connection to the existing water service shall be filed with EIRUSS upon a form to be supplied by EIRUSS.

1. New Connection. For buildings, including residences and businesses, not previously connected to the water system a permit and inspection fee of \$150.00, and a connection fee of \$500.00 shall be required.

2. The owner of the premises served and, in the case of a tenant, the occupant thereof and the user of the water service shall be jointly and severally liable for the water service provided said premises subject to the provisions of State law.

SECTION 4. ACCOUNTING PROCESS

1. Water System. All revenues and moneys derived from the operation of the water system shall be paid to and held by EIRUSS.

2. EIRUSS shall maintain a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the water system. EIRUSS shall be required annually to prepare and adopt a budget of the water system to show the required revenues and expenses. If necessary, user charge rates will be adjusted to produce adequate income to retire the indebtedness, meet operation, maintenance and replacement needs, and establish required reserves for the water system.

SECTION 5. BILLING, PENALTY.

1. Water bills shall be provided to the property owner and are due upon receipt. Payment shall be made to EIRUSS. Bills shall become delinquent after the twentieth of the month in which due and bills paid after said day shall have added a penalty of \$15.00 per month. When the twentieth falls on a Saturday, Sunday or holiday, EIRUSS shall accept payment on the next business day without penalty.

2. Insufficient Check. There shall be a \$25.00 fee for any insufficient check returned. A returned check is the same as non-payment of the water bill.

3. Jones County shall indemnify EIRUSS and reimburse EIRUSS for any User Fees which have been delinquent for sixty (60) days, within thirty (30) day of receiving notice of such delinquency from EIRUSS.

SECTION 6. DISCONTINUING SERVICE, FEES.

1. All users connected to the water system shall be required to pay a monthly fee regardless of the occupancy of the property. If any account is not paid within thirty days from the end of any given period, the service to such owner or person so supplied with the ~~utility~~ water shall be discontinued after the following procedures have been complied with:

a. EIRUSS shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to customers: "You are advised that you may direct a request for a hearing on this matter to EIRUSS by noon on the day preceding the scheduled shut-off date or discontinuance of service."

b. When a hearing is requested by a customer, the EIRUSS or an EIRUSS designee shall conduct a hearing within ten (10) business days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of EIRUSS or the EIRUSS is final.

2. If service is discontinued for nonpayment of fees and charges, or for the violation of any Ordinance or regulation governing the water system, a shut off fee of \$150.00 shall be paid to EIRUSS in addition to the rates or charges then due before such service is restored. If any such service charge is not paid within sixty (60) days from the date it is due, the same shall constitute a lien upon the premises served by said water system, which said lien shall be collected in the same manner as taxes. The monthly fees and charges shall continue to be assessed to the property once the service is discontinued or disconnected.

3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account.

4. If the property in which there are delinquent fees and charges is sold before the County certifies the lien to the County Treasurer, the County may certify the delinquent fees and charges against another property located in this state owned by the delinquent user.

SECTION 7. RECONNECTION FOR SERVICE.

Reconnection for water service shall be filed with EIRUSS upon a form to be supplied by EIRUSS. The application shall state the name of the applicant and the premises to be served. The application shall be accompanied by a fee of \$50.00, payable to EIRUSS for the reconnection charge.

SECTION 8. OWNER LIABLE FOR WATER SERVICE.

The owner or contract holder of the property is responsible for payment of water service. This provision shall also apply to housing units used for the purpose of rental. The bill for service shall be sent to the owner or contract holder. The landowner/landlord must give written notice to EIRUSS that the property is residential or commercial rental property if the tenant is to be liable for rates and charges. EIRUSS will require a deposit not exceeding the usual cost of ninety (90) days of water service to be paid to EIRUSS. A change in tenant for a residential rental property shall require written notice of such change to be given to EIRUSS within thirty (30) business days of the change in tenant. A change in tenant for a commercial rental property shall require written notice of such change to be given to EIRUSS within ten (10) business days of the change in tenant.

SECTION 9. WATER RATES.

Water shall be furnished at the following monthly rates and shall be paid by all properties serviced by the water system.

1. The first 3,000 gallons shall be charged \$61.00
All over 3,000 gallons shall be \$3.00 per 1,000 gallons

The minimum charge shall be \$61.00 per household or business building per billing month.

2. Service to industrial establishments may be by contract if the EIRUSS deems this to be in its best interest.

SECTION 10. RESIDENTIAL RENTAL PROPERTY.

Residential rental property, where a charge for sewer service is paid directly to EIRUSS by the tenant, is exempt from a lien for delinquent rates or charges associated with such services if the landlord gives written notice to the EIRUSS that the property is residential rental property and that the tenant is liable for the rates or charges. EIRUSS utility may require a deposit not exceeding the usual cost of ninety (90) days of the services of sewer systems to be paid to the utility. Upon receipt, EIRUSS shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for the charges, the address of the residential rental property that the tenant is to occupy, and the date that the occupancy begins. A change in tenant shall require a new written notice to be given to EIRUSS within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, EIRUSS shall return the deposit, within ten days, if the charges for the sewer services are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to EIRUSS within thirty (30) business days of the completion of the change of ownership. The lien exemption for rental property does not apply to charges for repairs if the repair charges become delinquent.

SECTION 11. RESCINDER.

All Resolutions or parts of Resolutions in conflict with the provisions of this Resolution are hereby rescinded.

SECTION 12. EFFECTIVE DATE.

This Resolution shall be in full force and effect upon its passage.

Passed by the Board of Commissioners of the Eastern Iowa Regional Utility Service Systems on the ____ day of _____, 2025.

Nin Flagel, Board Chairperson

Attest: _____
Steve Stoffel, Board Secretary