

RESOLUTION NO. 170

A RESOLUTION RESCINDING RESOLUTION NO. 149, “ESTABLISHING RATES AND CHARGES FOR THE USE AND SERVICE OF THE ANDOVER, IOWA WATER SYSTEM” AND ADOPTING NEW RATES AND CHARGES FOR THE WATER SERVICE SYSTEM

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

WHEREAS, Resolution No. 149, adopted by EIRUSS on May 31, 2023, is hereby rescinded and replaced with the provisions of Resolution No. 170, and

WHEREAS, EIRUSS will operate a water service system in the City of Andover in Clinton 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 City of Andover and the Clinton 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 City of Andover, Clinton County, Iowa.

SECTION 2. UTILITY DEFINED. For use in this resolution, water utility is the water system located in the City of Andover that is owned and operated by EIRUSS under a 28E Agreement with the City.

SECTION 3. APPLICATION FOR SERVICE. Applications for 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. 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. DISPOSITION OF FEES AND CHARGES. All money received under this resolution shall be deposited in the City treasury not later than the last day of the month in which it was received and a written report of the amount and source of the fees and charges shall be on file with the City Clerk.

With regard to charges for water utility service, the City Clerk shall forward an amount equal to all charges billed for water service, including payments received and charges not paid to EIRUSS. The City shall then collect and retain delinquent funds for water service under the procedure described in Section 4 of this Resolution.

SECTION 5. BILLING, PENALTY. Water bills shall be due on the fifteenth (15th) day of the month following the month for which service is billed. Payment shall be made to the City Clerk. Bills shall become delinquent after the twenty-fifth (25th) day of the month in which due and bills paid after said day shall have added a penalty of ten (10) percent of the amount of the bill for utility service. When the twenty-fifth day falls on a Saturday or Sunday, the City Clerk shall accept payment on the next office day without penalty.

SECTION 6. DISCONTINUING SERVICE.

1. If any account is not paid within thirty (30) days from the end of any given period, the service to such owner or person so supplied with the 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, 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 designee is final.

2. If service is discontinued for nonpayment of fees and charges, or for the violation of any regulation governing the water system, a shut off fee of \$50.00 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 municipal system, which said lien shall be collected in the same manner as taxes.

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 City certifies the lien to the County Treasurer, the City may certify the delinquent fees and charges against another property located in this state owned by the delinquent user.

SECTION 7. LIEN FOR NON-PAYMENT.

1. 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 municipal system, which said lien shall be collected in the same manner as taxes.

2. 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.

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

SECTION 8. RECONNECTION OF SERVICE. Reconnection of water service shall be filed with the City Clerk upon a form to be supplied by EIRUSS. The reconnection 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 City for the connection charge.

SECTION 9. RESIDENTIAL RENTAL PROPERTY. Residential rental property where a charge for water service is paid directly to the City 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 City that the property is residential rental property and that the tenant is liable for the rates or charges. A City may require a deposit not exceeding the usual cost of ninety (90) days of the water service to be paid to the City. Upon receipt, the City 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 the City within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City shall return the deposit, within ten days, if the charges for the water service is paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City 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 related to water service if the repair charges become delinquent.

SECTION 10. CUSTOMER GUARANTEE DEPOSITS. Customer deposits shall be required of all customers having no established credit record, and of those who have an unacceptable credit record or who have a prior record of failure to pay utility bills rendered. Such deposit shall be equal to two months minimum payment. Deposits of customers having established acceptable credit records for three (3) years shall have their deposits returned. An occurrence or recurrence of a bad payment record may be the occasion for the City Clerk to require a new or larger deposit for the continuation of service.

SECTION 11. WATER RATES. Water shall be furnished at the following monthly rates and shall be paid by all properties serviced by the water system:

1. Properties serviced by the water system shall include all properties having a service lateral or on which a building is located.

The first 3,000 gallons shall be charged \$69.00

All over 3,000 gallons shall be \$3.00 per 1,000 gallons

The minimum charge shall be \$ 69.00 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 12. RESCINDER. All Resolutions or parts of Resolutions in conflict with the provisions of this Resolution are hereby rescinded.

SECTION 13. EFFECTIVE DATE. This Resolution shall be in full force and effect upon its passage.

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

Nin Flagel, Board Chairperson

Attest: _____
Steve Stoffel, Board Secretary