

RESOLUTION NO. 2021 – 01

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR A REVISED UTILITY BILLING PROCESS, TO BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Mayor and Council have an interest in promoting the health, safety and the general welfare of all citizens of the City of Moscow; and

WHEREAS, Idaho cities are authorized by Idaho Constitution Article XII, Section 2, to enforce, within the city limits all such local police, sanitary and other regulations as are not in conflict with the city’s charter or with the general laws of the state; and

WHEREAS, the City has a system for the collection, transmission and disposal of sanitary sewage from domestic, commercial, industrial and such other uses and purposes for which said system may be used (MCC Title 5, Chapter 3, Section 3-1, et seq.); and

WHEREAS, the City is authorized to impose and cause to be collected fees for services provided by the City, which includes fees for water, sewer and sanitation (I.C. 63-1311); and

WHEREAS, the City shall establish by rule and regulation a system of billing, collection and enforcement of all water charges (MCC Title 5, Chapter 4, Section 4-12); and

WHEREAS, the City is authorized to recommend rules and regulations to enforce the provisions of Chapter 4, Water Regulations (MCC Title 5, Chapter 4, Section 4-25); and

WHEREAS, the City’s recently purchased financial management software will aid in better managing customer utility accounts, which includes updating customer accounts and payment preferences, creating reports and assisting with the monthly electronic and paper billing of utility accounts; and

WHEREAS, the City’s current practice of utility billing has resulted in challenges in collection of unpaid balances from property owners when a tenant fails to pay their utility bills and the City resources being spent to collect on these unpaid accounts has led to the recommended revised billing process as reflected in the attached exhibits; and

WHEREAS, the proposed changes to the City’s utility billing process is to address the deficiencies in the current process for collection of past due accounts and to better utilize the City’s resources, ensure services being provided by the City are being paid by the property owner, and to provide a legally defensible method for the City to collect fees owed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Moscow as follows:

The following are the approved regulations for all utility billing, collection and enforcement:

1. City of Moscow Utility Billing Policy, attached as Exhibit A.
2. City of Moscow Utility Billing Application, attached as Exhibit B.
3. City of Moscow Utility Billing Directive (Non-Owner Occupied Arrangement), attached as Exhibit C.

SEVERABILITY. Provisions of this Resolution and said Agreement shall be deemed severable and the invalidity of any provision of this Resolution shall not affect the validity of the remaining provisions.

EFFECTIVE DATE. This Resolution shall be effective upon its passage and approval.

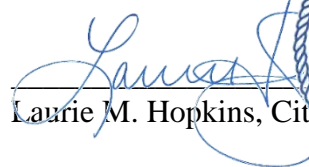
PASSED AND APPROVED by the Mayor and City Council of the City of Moscow, Idaho, this 16th day of February, 2021.




Bill Lambert, Mayor

CERTIFICATION. I hereby certify that the above is a true copy of a Resolution passed at a regular meeting of the City Council, City of Moscow, held on February 16, 2021.

ATTEST:



Laurie M. Hopkins, City Clerk



ATTACHMENT A

MOSCOW UTILITY BILLING POLICY

Billing a non-owner occupant (TENANT) is permitted by this policy, upon completing an application for services and direct bill authorization to send the bill directly to a TENANT. The Property Owner (OWNER) is responsible for all utility billings assessed to the property regardless of the party utilizing the service.

Section 1. Sign-up (Initiation) Procedures

1. Initiation of service to a property can be made in person at the Utility Billing Office, 206 E. Third Street (City Hall) or by telephone, 208-883-7043. Initiation of service will soon be available through the City of Moscow's website. Completion of a Utility Billing Application for City Services, which includes but is not limited to, Water/Sewer/Sanitation/Stormwater/Streetlights is required before activation of residential service.
2. City of Moscow Utility Billing Department shall prepare and mail utility bills to the address provided in the Utility Billing Application at the time of initiation of service. Applicants may opt to receive e-bills when that service is available. Failure to receive a bill, regardless of the cause, shall not constitute a waiver by the City of Moscow of amounts owing for utility services or penalties.
3. Each utility bill is prepared and mailed on approximately the first of each month and due by the 20th of that month. If payment has not been made by the next utility billing date, a bill statement (including past due balance) shall be mailed to the address provided in the Utility Billing Application. If payment has not been made by the delinquency date, the 10th of the following month, a late fee of \$15.00 (set by City Council Resolution) shall be added to the delinquent utility bill and all provisions of the utility shut-off policy (defined in current fee resolutions) shall apply.
4. OWNER or TENANT may not initiate or reinstate service to a property without satisfaction within 30 days of all outstanding bills for utility services to that property. Services may not be reinstated until the outstanding balance has been satisfied. A shut-off fee of \$30 will be charged for reconnecting water service.

Section 2. Deposits

1. An OWNER will be excused from paying a utility service deposit only if they

are recorded as the property owner by the records of Latah County Recorder.

2. All TENANT accounts are required to provide a conditionally refundable deposit of \$100 for residential accounts or \$175 for commercial accounts at the time of initiation of service. The deposit amount may be adjusted by City Council Resolution. Deposits will remain in the TENANT account until either the OWNER or City closes the account.
3. Any person or entity with a history of non-payment or delinquent payments to the City of Moscow or any department thereof, regardless of when such delinquencies occurred, may be refused service or may be required to pay double the deposit amount, at the sole discretion of the City. In all instances, the delinquency(ies), including applicable penalties, interest and collection costs, must be paid in full before service will be initiated or reinstated.
4. Roll-off container deposits may be required based on amounts set by City Council Resolution and in accordance with policies proposed by the contract waste hauler and adopted by City Council Resolution.
5. At the closing of a utility account, the amount of any remaining deposit shall be applied to any outstanding balance owing on the account, after any outstanding balance has been paid in full, any amount remaining of the deposit shall be refunded. If OWNER pays the remaining balance up to or exceeding the deposit amount, the deposit will be refunded to OWNER.

Section 3. Non-Owner-Occupied Property

1. A TENANT may not initiate service. Services will only be provided when City has received a Utility Billing Directive for City utility service signed by the OWNER, or the OWNER's duly authorized agent, which acknowledges responsibility for all bills for utility services to the property. The Utility Billing Directive may be incorporated into a lease/rental agreement or renewal agreement that is signed by OWNER and TENANT and then provided to the City.
2. When a TENANT account is closed (either by action of the OWNER or City) and any outstanding balance exceeding remaining deposit are owed on the account, a notice shall be mailed to the OWNER informing OWNER of the outstanding balance owed.

3. If the outstanding account balance has not been paid within 30 days of account closure, utility services to the property may be terminated. Services may not be reinstated until the outstanding balance has been satisfied. A shut-off fee of \$30 will be charged for reconnecting water service.
4. If requested, assessments of balances including TENANT and OWNER will be provided to the title company or bank at time of property sale or foreclosure. The City reserves the right to notify the title company of delinquent accounts.

Section 4. Owner Occupied Property

1. OWNER may not initiate or reinstate service to a property without satisfaction within 30 days of all outstanding bills for utility services to that property. Services may not be reinstated until the outstanding balance has been satisfied. A shut-off fee of \$30 will be charged for reconnecting water service.
2. If requested, City will provide notice of all account balances including TENANT and OWNER accounts to the title company or bank upon sale or foreclosure. The City reserves the right to notify the title company of delinquent accounts.

Section 5. Delinquent Accounts

1. All delinquent accounts will be charged a late fee in the amount of \$15 as established by Council Resolution. All current and delinquent amounts must be paid in full before service to the property will be restored. A shut-off fee of \$30 will be charged for reconnecting water service.
2. Property Owner will be notified as soon as account becomes delinquent. OWNER will receive a copy of each delinquency notice that is sent to the TENANT.
3. Arrangements for late payments can be made with the Utility Billing Department. Failure to meet a deadline of an arrangement will result in service being terminated, and a late fee of \$15 shall be assessed. Three (3) broken arrangements in a twelve (12) month period will prohibit further arrangements on the account for the next twelve (12) months.
4. The City will not accept responsibility for damage to property and equipment for inconvenience or for loss of opportunity resulting from discontinuation of service in compliance with this policy.

ATTACHMENT B



Phone: (208) 883-7043
Fax: (208) 883-0737
206 E. Third Street
Moscow, ID 83843

MOSCOW UTILITY BILLING APPLICATION FOR USE OF CITY UTILITY SERVICES

PROPERTY OWNER(S) INFORMATION: _____

NAME(S): _____
MAILING ADDRESS: _____
E-MAIL ADDRESS TO RECEIVE E-BILLS: _____
PHONE NUMBERS: _____

PROPERTY OWNER'S UTILITY BILLING ACCOUNT #: _____

SERVICE ADDRESS: _____

REQUESTED START-UP DATE: _____

The undersigned, being the property owner of the above described property and account, does hereby request services for city utilities, which includes, but is not limited to, water, sewer, sanitation, stormwater, and streetlights, to be activated and provided to the above described service address.

I/we do hereby acknowledge that I/we have been advised, and I/we agree, that /we will remain legally responsible and liable for unpaid account balances for utility services, as provided by Title 5 of Moscow City Code, assessed against the service address, regardless of who uses the service. I/we further acknowledge that the City may pursue any available legal remedies for nonpayment of any and all unpaid balances due for utility services, including but not limited to discontinuing utility services and placing a lien on the real property to secure all amounts due.

ANY UNPAID BALANCES ARE THE RESPONSIBILITY OF THE PROPERTY OWNER. SERVICES MAY BE DISCONTINUED FOR NON-PAYMENT AND WILL NOT BE REACTIVATED UNTIL THE UNPAID BALANCE IS PAID IN FULL. LIENS MAY BE PLACED ON THE PROPERTY FOR NON-PAYMENT.

I certify under penalty of perjury pursuant to the law of the State of Idaho, that the foregoing is true and correct and that I am the property owner and/or have the authority to bind Property Owner to the terms of this application.

Signed: _____ Dated: _____
Property Owner/Authorized Agent

Printed Name: _____ Phone #: _____

Address: _____ City, State, and Zip: _____

ATTACHMENT C



Phone: (208) 883-7043
Fax: (208) 883-0737
206 E. Third Street
Moscow, ID 83843

MOSCOW UTILITY BILLING DIRECTIVE FOR USE OF CITY UTILITY SERVICES

PROPERTY OWNER(S) INFORMATION: _____

NAME(S): _____
MAILING ADDRESS: _____
E-MAIL ADDRESS TO RECEIVE E-BILLS: _____
PHONE NUMBERS: _____

PROPERTY OWNER'S UTILITY BILLING ACCOUNT #: _____

SERVICE ADDRESS: _____

TENANT INFORMATION:

NAME(S): _____
MAILING ADDRESS: _____
E-MAIL ADDRESS TO RECEIVE E-BILLS: _____
PHONE NUMBERS: _____
MOVE IN DATE: _____
ROLL CART AND RECYCLING TOTE SIZE: _____

The undersigned, being the property owner of the above described property and account, does hereby instruct the City of Moscow (CITY) to send the monthly billing statement for city utility services, which includes, but is not limited to, water, sewer, sanitation, stormwater, and streetlights, to the above referenced address in care of the tenant and relinquishes my/our authority to terminate services to the property while occupied by tenant.

I/we understand that billing for services will remain in the above referenced "Property Owner" name and sent in care of the person named herein at my/our request. I/we will notify CITY of vacancy for a final read and I/we will be held responsible for any charges incurred up to notification to CITY. I/we further agree that subsequent tenants shall be authorized to receive billings on the account only after Property Owner submits a new Directive Billing Application.

I/we do hereby acknowledge that I/we have been advised, and I/we agree, that I/we will remain responsible for unpaid account balances for city utility services, as provided by Title 5 Moscow City Code. I/we acknowledge that I/we will not receive monthly statements for this account. If the account becomes delinquent I/we will receive a copy of each delinquency notice that is sent to the tenant. I/we further acknowledge that the City may pursue any available legal remedies for nonpayment of any and all unpaid amounts due for city utility services, including but not limited to discontinuing utility services and placing a lien on the real property to secure all amounts due.

THIS REQUEST SHALL REMAIN VALID UNTIL THE PROPERTY OWNER NOTIFIES THE CITY OF MOSCOW AND/OR A NEW DIRECTIVE IS FILLED OUT AND FILED WITH THE CITY AT 206 E. THIRD STREET, MOSCOW, IDAHO 83843.

A NEW TENANT'S NAME WILL NOT BE ADDED UNTIL THE CURRENT ACCOUNT IS PAID IN FULL. ANY UNPAID BALANCES ARE THE RESPONSIBILITY OF THE PROPERTY OWNER

REGARDLESS OF THE "USER". SERVICES MAY BE DISCONTINUED FOR NON-PAYMENT AND WILL NOT BE REACTIVATED UNTIL THE UNPAID BALANCE IS PAID IN FULL.

DO YOU AUTHORIZE THE CITY OF MOSCOW TO MAKE PAYMENT ARRANGEMENTS WITH TENANTS? YES _____ NO _____

I certify under penalty of perjury pursuant to the law of the State of Idaho, that the foregoing is true and correct and that I am the property owner and/or have the authority to bind Property Owner to this Directive.

Signed: _____ Dated: _____
Property Owner/Property Manager

Printed Name: _____ Phone #: _____

Address: _____ City, State, and Zip: _____

I, Tenant(s), authorize the City of Moscow to directly bill me for services at the property address noted above. I, Tenant, acknowledge that nothing herein shall affect any separate rental agreement with Property Owner.

I certify under penalty of perjury pursuant to the law of the State of Idaho, that the foregoing is true and correct and that I am Tenant(s) in this Billing Directive.

Signed: _____ Dated: _____
Tenant(s)

Printed Name: _____ Phone #: _____

Address: _____ City, State, and Zip: _____