

**ROUND MOUNTAIN WATER AND SANITATION DISTRICT**  
**RESOLUTION 2023-21**

**A RESOLUTION TO AMEND THE DELINQUENCY NOTICE AND SERVICE INTERRUPTION POLICY  
FOR WATER AND/OR WASTEWATER UTILITY ACCOUNTS**

**WHEREAS**, The Round Mountain Water and Sanitation District (District) in accordance with Section 32-11001 (1)(m) of the Colorado Revised Statutes has the authority to amend existing Rules and Regulations when deemed necessary by the Board of Directors; and

**WHEREAS**, Round Mountain Water and Sanitation District desires to change the delinquent policy in the Rules and Regulations of Round Mountain Water and Sanitation District regarding delinquent accounts, Section 5.4.

**NOW, THEREFORE, BE IT RESOLVED BY THE ROUND MOUNTAIN WATER AND SANITATION DISTRICT BOARD OF DIRECTORS** that effective January 1, 2024, the following amended delinquent policy shall be in effect:

Consumption is measured from month-end to month-end, and bills are prepared for mailing or sent via email approximately three days after the first of the next month to ensure that bills are received within the first three to five days of the following month.

Each bill received shall have a "due date" listed. If a payment is not received within the District office by the end of the business day on that due date, the account will become delinquent, and a "delinquency notice" shall be generated and mailed.

If the amount indicated on the delinquency notice is not paid by the date and time indicated, service will be subject to interruption no later than ten (10) business days after the delinquent letter was sent and the account shall be assessed a penalty fee of \$50.00. In addition, the delinquent amount (including fees and service charges) will continue to accrue until paid in full. Service shall not be restored until all charges, including late fees and reconnection fees, have been paid.

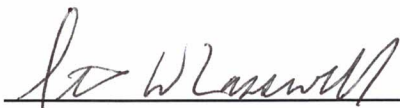
Payment Arrangements – A customer who is unable to pay the entire amount due to unusual circumstances, shall have the opportunity to request "payment arrangements" to avoid service interruption. All payment arrangements will require payment of current monthly billings plus an additional delinquent amount (to be determined) and is intended to be no longer than three months in duration.

This resolution supersedes any/all prior resolutions setting delinquency notice and service interruption policy for water and/or wastewater utility accounts.

ADOPTED, this 21<sup>st</sup> day of December 2023.



Charles Bogle, Chairman of the Board



Steve Lasswell, Vice Chairman of the Board





59000 Hwy. 69 N • P.O. Box 86  
Westcliffe, CO 81252-0086  
719-783-2604  
<http://www.rmwsd.com>

## DELINQUENT-SHUTOFF NOTICE

[Date]

[CUSTOMER NAME]

[MAIL LINE1]

[MAIL LINE 2]

[MAIL LINE 3]

RE: [ACCOUNT NUMBER]

Dear Valued Customer,

While reviewing your account details, it has come to our attention that we have not received your payment or that you may have made a partial payment to your account. Your current account balance of [AMOUNT DUE] was due on [DUE DATE].

We are sure that this is simply an oversight, if your payment has already been mailed, please disregard this notice. Otherwise, to avoid having your service disrupted, it is important that you bring your account current no later than **[Date payment is due]** or your services will be disconnected on the following day **[Shutoff Date]**. For your convenience, I have included a duplicate copy of your invoice. Please remit payment by 4:00 p.m. on **[Date Payment is Due]**. You may make payments using any of the following options:

- 1.) Mail a payment using the enclosed payment envelope.
- 2.) Drop a payment into our drop box located at the north end of our parking lot.
- 3.) Bring payment in person to our office.
- 4.) Call our office to process a payment over the phone. (Mon.-Fri. 8:00 am to 4:00 pm)
- 5.) Visit our website [www.rmwsd.com](http://www.rmwsd.com) to pay online using our online payment portal.

If you are unable to meet this deadline, please contact us at 719-783-2604 to discuss a payment contract to bring your delinquent balance current. Please know that charges will continue to accrue for base water and sewer if your service is disconnected. When your account is brought up to date and paid in full, we will be happy to reinstate your service. There will be a reconnection fee of \$50.00 at that time. Should you have any questions or concerns, please contact us. Our hours of service are Monday through Friday, 8:00 am to 4:00 pm.

Sincerely,

*Carlan Cardenas*

Carlan Cardenas  
Billing and Collections

Enclosure

*As per the 2022 Special District's Association Board Member Manual; Prior to disconnecting service, due process requires that certain procedures be followed, including notice and an opportunity for a hearing before a designated employee or the Board of Directors. The notice must be in writing and provided to the property owner and the property address (if different from the owner's address) prior to disconnecting service and must state the amount of the delinquency, the date of shut off, and that the customer has the right to a hearing to protest the threatened termination of service. If the customer then requests a hearing, directions to the hearing location must be provided. For water and wastewater services only, in addition to disconnection of service (after proper notice) or foreclosure, the District may certify delinquent accounts to the County Treasurer for collection along with taxes. Such accounts may then be collected by the county and the proceeds distributed to the District. C.R.S. §32-1-1101 (1) (e).*



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January 1, 2024

## **NOTICE OF DELINQUENT ACCOUNT POLICY CHANGES**

A resolution was passed during the RMWSD Board of Directors Meeting on December 21, 2023 to update and change the RMWSD Delinquent Accounts Policy. In the past, delinquent accounts were based on 30, 60, and 90 day late notices with a disconnect notice being enacted on the 90 day late notice.

### **Effective January 1, 2024, the policy will change to the following:**

All payments are due on the last business day of the month by 4:00 p.m. for the month indicated on your statement. If payment is not received by the due date and time, it will be considered late.

One notice will be sent out to notify you that your account is past due. This notice will serve as both a late notice and a disconnect notice. You will have 10 days from the date of the notice to make payment to your account, in full, to avoid having your service disconnected on the 11<sup>th</sup> day.

### **Accounts will no longer be allowed to go longer than 30 days late.**

If your service is disconnected due to non-payment. A \$50.00 reconnect fee will be required to start your service again. Please note that all base rate fees will continue to accrue during the time that services have been disconnected.

If you cannot afford to pay your account in full, you may be eligible to enter into a contract that will allow you to make payments to your account until the past due balance is caught up. Contact the Round Mountain Water and Sanitation District office at 719-783-2604 to find out more about this option.

## 5.4 BILLING AND PAYMENT

Statements for all charges shall be prepared monthly in arrears. Printed statements, unless electronic statements by email are requested and authorized by the property owner, shall be sent by First Class mail the first full week of every month. All statements, whether mailed or emailed, are due on the dates they are sent to the customer and will be considered delinquent after close of business on the last business day of the month. A delinquency fee will be assessed to the unpaid charges and added to the next billing statement.

- 1) When an account has an unpaid balance after a new billing cycle, the **first** collection letter stating that a monthly payment is necessary is mailed that includes the date of customer's last payment and that the past due balance is due within **10 business days** from date of first letter. The letter will also state the current billing amount is delinquent at close of business on the last business day of the month to avoid any additional late charges. In landlord/tenant situations, the property owner also receives a statement and/or letter that indicates the past-due balance.
- 2) If payment is still not received, a **second** letter is sent two to three days after the due date specified in the first collection letter. This letter states we did not receive a payment or phone call as requested in the first letter, and therefore the **total** balance of the account is **due by the last business day of the month**. This second letter additionally states that if a payment is not received, the District will initiate steps to disconnect service. This letter also states that base water and sewer services will continue to accrue. This letter gives option to contact the District to set up a payment plan if entire amount cannot be paid. When a landlord/tenant account is not paid by the tenant after the due date specified in this second collection letter, the account will be transferred to the property owner's name.
- 3) If no response or payment is received and a new billing cycle has occurred, a **third** letter is sent immediately after the new billing is processed. This is marked as "FINAL NOTICE" and instructs the minimum payment due within **10 business days**. The letter will state the exact date service will be disconnected for non-payment and reiterates that base water and sewer charges will continue to accrue even though service has been disconnected. This letter states a reconnect fee will be charged, and service will not be restored until the account is paid in full when disconnection of service has occurred.
- 4) "FINAL NOTICE" will state that the District will proceed with certifying the amount due to the County Treasurer's Office in accordance with C.R.S. 32-11101. (Statute requires that an account balance must exceed \$150 and shall be at least six months delinquent.) Therefore, if no payment is received after "FINAL NOTICE" is mailed, the District must wait to file a lien until statute requirements are met.
- 5) At any point during the collection process, the property owner may request a payment plan. Any payment plan request must:
  - a. Provide for the payment of all current charges each month.
  - b. Include a minimum monthly payment or the amount past due incorporating any delinquent charges previously assessed, divided by twelve (12) months, whichever is greater.
  - c. Be signed by the property owner and an authorized District representative.

Once a payment plan has been approved, no further delinquent charges (late fees) shall be assessed. If the property owner fails to make a payment as provided for in the payment plan agreement, the agreement shall be deemed null and void and the collection process shall be resumed at the point it was paused or the District may proceed to certify the past due amount without further notification.

PROPOSED 12/2023

## 5.4 BILLING AND PAYMENT

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- 1) When an account has an unpaid balance after a new billing cycle, the **FINAL NOTICE** collection letter stating that a monthly payment is necessary is mailed that includes the date of customer's last payment and that the past due balance is due within **10 business days** from date of the letter or **service will be disconnected**. The letter will also state the current billing amount is delinquent at close of business on the last business day of the month to avoid any additional late charges. In landlord/tenant situations, the property owner also receives a statement and/or letter that indicates the past-due balance.
- 2) This letter also states that base water and sewer services will continue to accrue. This letter gives the option to contact the District to set up a payment plan if the entire amount cannot be paid. When a landlord/tenant account is not paid by the tenant after the due date specified in this collection letter, the account will be transferred to the property owner's name. The letter will state the exact date service will be disconnected for non-payment and reiterates that base water and sewer charges will continue to accrue even though service has been disconnected. This letter states a reconnect fee will be charged, and service will not be restored until the account is paid in full when disconnection of service has occurred.
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