

**KING COUNTY WATER DISTRICT NO. 90  
KING COUNTY, WASHINGTON  
RESOLUTION NO. 1130**

**A RESOLUTION** of the Board of Commissioners of King County Water District No. 90, King County, Washington, updating the District's Billing, Shut Off, and Notice Policy ("Policy") by amending said Policy during National Weather Service Heat-Related Alerts pursuant to RCW 57.08.081 as amended by Washington State Legislation HB 1329.

**WHEREAS** the Washington State Legislature amended RCW 57.08.081 as it relates to service disconnections during National Weather Service heat-related alerts.

**WHEREAS** the District is updating its Policy to reflect the legislative change, which Policy was previously adopted by Resolution 998 on December 15, 2015.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of King County Water District No. 90, King County, Washington, as follows:

**SECTION 1:** The Policy is hereby revised to add a new provision, "Residential Shut off Policy during Heat Events", which complies with RCW 57.08.081 and HB 1329. The Policy is effective immediately upon its adoption.

**SECTION 2:** All other provisions of the Policy and Resolution 998 remain unchanged and in effect.

**ADOPTED** by the Board of Commissioners of King County Water District No. 90, King County, Washington, at a regular open public meeting thereof on the 17th day of July 2023.

*Al Materi* 8-1-23  
Al Materi, President

*Pete Eberle* 8-1-23  
Pete Eberle, Vice-President

*Sam Amira* 8-1-23  
Sam Amira, Secretary

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Updated July 2023**

The following billing, shut off, and notice policy shall be utilized by King County Water District No. 90 for all accounts:

**1. Billing Schedule:**

- a. **Original Billing** — the original bill will be mailed by the last day of the month, due on the 15<sup>th</sup> day of the following month.
- b. **Late Charge Billing** – the Late Charge will be assessed on the 1<sup>st</sup> day of the month following the due date (minimum of 28-31 days after original billing).
- c. **Notification of Delinquency** - Customers will be notified of their account delinquency status by an automated phone call, text, or email, on or about the 16<sup>th</sup> day of the following month (minimum of 42-48 days after original billing).
- d. **Shut Offs** – Delinquent accounts will have meters shut off no later than the last day of the second month (minimum of 50-60 days after original billing). See Section 5 for exceptions to shut off.
  - i. The days outlined in Section one are approximate. Actual scheduling will depend upon the day of the week any assessment or notice may fall. In no event will meters be shut off any sooner than the fifty (50) day delinquent period provided for in this policy.

**2. Customer Information and Notifications:**

- a. It is the customer's responsibility (including owners and renters) to provide the District with up-to-date contact information. At a minimum, accounts must include an active phone number, as automated phone calls are used to make emergency, leak, and shut-off notifications.
- b. It is the customer's responsibility (including owners and renters) to review their bimonthly bill for errors or high usage (leaks). The District makes an effort to notify customers of a leak or potential leak. Due to the nature of leaks, this notification is not guaranteed and is considered a "courtesy." The District is not responsible if a leak notification is ignored or not received by a customer. A leak notification may be in the form of an email, automated phone call, direct phone call, or door tag.

**3. Rates, Fees & Delinquencies:**

- a. **Rates:** Rates are updated annually, typically in January of each year. Rates are set based on the annual Operating and long-term Capital requirements of the District. The District is a public agency, and all funds received are reinvested back into the water system and related functions.

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- b. Fees: Fees for shut-offs, NSF's, confined space, duplicate bills, equipment, etcetera are updated periodically and included on the District's annual "Schedule of Charges."
- c. Late Fee: There shall be added to all delinquent amounts a penalty for late payment (late fee) in an amount equal to ten percent (10%) of the delinquent amount. Per Washington State law, Late Fees are not charged on other Late Fees.
- d. Delinquent Accounts: All billings for rates and charges for water supplied not paid within thirty (30) days of the District's original billing date shall be deemed delinquent on the first business day of the month following the due date.
- e. All delinquent amounts, together with the Late Fee outlined in Section three, may be assessed interest at the rate of the prime lending rate of the District's bank plus four percentage points per annum.
- f. Liened Accounts: The Finance Manager shall, for all accounts which are delinquent for a period of at least sixty (60) days or more, with a balance of at least \$500, certify the delinquencies to the King County Auditor, or such other agency as may hereinafter be required by law; the certification including the charges, together with the late payment penalty, legal fees, and recording fees, along with a statement that interest accrues thereon at the rate of the prime lending rate of the District's bank plus four percentage points per annum. This shall constitute a lien against the real property.
  - i. The District records liens on the property title.
  - ii. To clear the property of a lien on their title, the total amount of the lien and any charges applied to the account after the lien was filed are due in full.
- g. Customers can avoid their account being liened for non-payment by entering a formal Payment Plan with the District. An application for a Payment Plan can be found at the District's website; [kcwd90.com](https://www.kcwd90.com). <https://www.kcwd90.com/forms-payment-plan.php>.
  - i. It is the District's goal with Payment Plans to bring the account current within 12 months of the start date. Significant balances may be extended for more than 12 months, on a case-by-case basis as determined by the Finance Manager.

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ii. Payment plans require monthly (rather than bimonthly) payments. Monthly payments include the amount of the payment plan payment, and every other month, also includes the current water bill.

iii. Customers who default on their Payment Plan (by missing two or more payments) may have their Payment Plan revoked, and the full balance on the account becomes due.

4. Owner/Renter Accounts:

- a. It is the Districts' preference to have bills delivered to both the renter and the property owner. The District will provide duplicate bills to the property owner, or owner's designee, at the address provided by the property owner. The District will inform the property's renter that the property owner is receiving a duplicate bill and notices. This includes the Original Billing and the Late Charge Billing. The Late Charge constitutes the District's obligation to notify owners of account delinquency.
  - i. Therefore, it is essential that the District have accurate contact information for the property owner or owner's designee. The District shall have no obligation to locate an owner or provide notice to an owner if the District has not been provided with up-to-date contact information.
  - ii. A duplicate bill fee applies to all Renter/Owner accounts. The fee amount is listed on the District's "Schedule of Charges."
- b. Property owners can opt to pay the water bill directly by keeping the account in the owner's name only. In this case, payments are expected from the owner, not the renter. Only the owner will be notified of account delinquency. Only owners, not renters, can set up an account under the property owner's name only.
- c. It is not the District's intention to interfere in the owner/renter relationship. It is not the District's responsibility to review lease agreements or determine who is responsible for bills, fees, or repairs.
  - i. It is between the owner and the renter, who is responsible for paying for usage due to a water leak. The District can provide the customer with the amount of an average (or non-leak) bill for that same time period to help determine the cost of the additional usage due to the leak.
  - ii. Leak notifications are made directly to the customer at the service address. High usage due to leaks will also be visible on the customer's water bill (i.e., increased usage on bills).

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- d. It is up to the Owner and Renter to determine who is responsible for the scheduling and fees related to annual backflow testing for properties requiring backflow devices.
  - i. Properties without a satisfactory annual backflow test will be shut off for noncompliance, regardless of who is responsible for setting up the testing.
- e. Either an Owner or a Renter can close an account. An application to open or close an account can be found on the District's website (kcwd90.com).  
<https://www.kcwd90.com/forms-account-activity.php>
  - i. Discrepancies between the Owner and the Renter regarding the "Closing Date" are not the responsibility of the District.
- f. Per RCW 57.08.081 – water charges are "deemed charges against the property served." This means that unpaid renter balances will be transferred to the owner's account (property owner) for payment. Additionally, the owner is responsible for any charges that accrue when a renter does not occupy the rental property.

5. Residential Shut off Policy during Heat Events:

- a. The District will not shut off customers, including property owners and renters, for lack of payment, on any day for which the National Weather Service has issued, or has announced that it intends to issue, a heat-related alert for the area in which the residential user's address is located. Heat-related alerts include excessive heat warnings, heat advisories, or heat watches.
- b. Customers shut off prior to or during a heat event can request reconnection of water service on any day a heat-related alert is issued. Service may be shut off at the end of the heat event without further notice.
- c. Disconnect notices will include language notifying customers of their right to be reconnected and how to make the request to the District office.

i. The shut off notice language shall state:

"During the time that your water service is disconnected for lack of payment, if there is a heat-related alert by the National Weather Service for an excessive heat warning, heat advisory, excessive heat watch, or similar alert for your area, you may request the District to reconnect your water service during the heat-related alert without charge. Please contact the District at 425-255-9600 to establish reconnection during the heat-related alert. The request for water reconnection must be received by 3:00 pm for water service to be restored that

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same day. Requests for water reconnection made after 3:00 pm will be reconnected on the next business day. At the conclusion of the heat-related alert, your water service may be disconnected without additional notice.”

- d. Upon receiving a request to be reconnected from a residential customer, the District will promptly make a reasonable attempt to reconnect service to the dwelling. In some cases, “reasonable” may mean the next business day.
  - e. Reconnection requests made after business hours may incur an “After-Hours Fee.”
  - f. The District will report annually to the Department of Commerce the total number of customer account shut offs for each day in which the national weather service issued or announced that it intended to issue a heat-related alert.
6. Adjustments to Billing:
- a. Consistent with Article 8, Section 7 of the Washington State Constitution, “Gifting of public funds” is strictly prohibited. That means that water bills cannot be negotiated. The bill amount is consistent with the District’s current rate sheet.
  - b. Adjustments will be made to a customer’s bill only if an error has been made and can be identified. In that case, the Finance Manager can authorize an adjustment to remedy the error.
  - c. This excludes leak adjustments. Details of the District’s leak adjustment policy can be found in the District’s current “Leak Adjustment Policy Frequently Asked Questions” (FAQ).
  - d. Errors that include a customer not being billed, or being overbilled, for a period of time will be corrected and will cover a period of three years. Adjustments that cover a period longer than three years must be approved by the Board on a case-by-case basis.
7. Policy Implementation:
- a. The Finance Manager is hereby authorized to take such administrative steps as are reasonably necessary to implement and enforce the provisions of this policy, including changing the timeline of residential customer shutoffs for nonpayment, due to the potential heat alerts.