

**WEST EXTENSION IRRIGATION DISTRICT
RESOLUTION NO. 10-002
COLLECTION OF INCURRED CHARGES**

WHEREAS, the Board of Directors is required to compute the whole amount of money necessary for the purpose of carrying out its business under Irrigation District Law, and

WHEREAS, The district has calculated the amount necessary for this purpose and has adopted its annual budget, and

WHEREAS, the district wishes to have its billings collected in a timely manner, now

THEREFORE BE IT RESOLVED that the West Extension Irrigation District shall use the provisions of ORS 545.482 to 545.508, the Alternate Method of Collecting Incurred Charges, for the billing and collection of its incurred charges, and

FURTHER BE IT RESOLVED that the charges have been set at \$260.00 account charge, which includes customer service and delivery, and \$47.00 for each acre or portion of an acre. The following fees will be charged with the annual billing:

Pressurization fee	-	\$25.00 per acre with a one-acre minimum
Leased water fee	-	\$25.00 per acre with a one-acre minimum
Improvement fee/IPS	-	\$ 7.50 per acre with a one-acre minimum
Improvement fee/MC	-	\$ 2.50 per acre with a one-acre minimum
Legal Fund	-	\$ 7.00 per acre with a one-acre minimum

These charges, which are annual charges, shall continue in effect from year to year until changed by further Resolution of the Board of Directors, and

FURTHER BE IT RESOLVED that the following collection procedures are adopted:

- The Board shall withhold delivery of water from any tract of land until the charges for the prior year, including interest, lien and collection costs and fees, are paid in full.
- Annual charges shall be one-half due and payable on April 15 of the fiscal year and one-half due and payable on July 15 of the fiscal year. Any charge not paid in full when due shall earn interest at the statutory rate of 1-1/3 percent per month or fraction of a month, or as allowed by Oregon law, until paid.
- Landowners may make alternate payment arrangements on current accounts. These arrangements must be made in writing and approved by the Secretary of the District. Such arrangements will not accrue interest, as long as the terms of the arrangements are kept.
- Accounts shall be deemed delinquent if not paid by July 15 of the fiscal year.
- The Secretary of the District shall cause a Late Payment Notice to be mailed by certified mail, return receipt requested, to each parcel for which delinquent charges are owed. Said notice shall be provided no less than 35 days after the date the charge became delinquent and shall advise the landowner that the charges are earning interest and a lien will be filed if the charges remain unpaid. The Secretary shall add a Late Payment Notice fee of \$15.00 to the amount of the delinquent charge to reimburse the District for its cost of providing said notice.
- For each parcel of land for which delinquent charges are owed and unpaid as of 30 days following the Late Payment Notice, the Secretary shall cause to be prepared and recorded in the County Clerk's office, a Notice of Claim of Lien for the amount of the unpaid charges, the accrued and accruing interest, and an administrative fee of \$200.00, which is intended to reimburse the District for its cost of preparing, recording and releasing said Lien.
- On or after 30 days following the Notice of Claim of Lien, but no sooner than the 15th day of September of each fiscal year, the Secretary of the District shall cause a Notice of Foreclosure to be mailed by certified mail, return receipt requested to each parcel for which delinquent charges are owed. The Notice shall advise the landowner that the charges are earning interest, a lien has been filed and foreclosure will be ordered by the Board of Directors. The Secretary shall add a Notice of Foreclosure fee of \$15.00 to the amount of the delinquent charge to reimburse the District for its cost of providing said notice.
- On or after 30 days following the date of the Notice of Foreclosure, but no sooner than the 15th day of October of each fiscal year, the Board of Directors, by resolution, may direct that all delinquent charges then unpaid shall be foreclosed by the District, as directed under 545.502. The Secretary of the District shall refer the account to the District's legal counsel for collection and charge a \$300 collection fee to cover the administrative costs incurred. The District shall recover the costs, disbursements and expenses of foreclosure.
- Payments credited to all accounts will pay off accrued interest charges first and annual incurred charges last. Other fees will be paid in the order the liability was accrued.

**SO ADOPTED BY THE BOARD OF DIRECTORS OF THE WEST EXTENSION IRRIGATION DISTRICT
THIS 20th DAY OF JANUARY, 2010**