

RESOLUTION NO. 11-02

LITTLE COLORADO SANITARY DISTRICT

RESOLUTION SUPERCEEDING RESOLUTION 11-01 BECAUSE OF A SCRIVENER'S ERROR CONTAINED IN RESOLUTION 11-01 THAT WAS PASSED REGARDING ABOLISHING RESOLUTION 09-01 THAT AMENDED ARTICLE V OF THE SECOND AMENDED RULES AND REGULATIONS REGARDING COMPLIANCE, PAYMENTS, AND DISCONNECTION FROM THE DISTRICT'S SEWER SYSTEM

WHEREAS, the Little Colorado Sanitary District passed Resolution 11-01 at the May 9, 2011 board of directors meeting; and

WHEREAS, a scrivener's error was discovered in the Resolution subsequent to the board of directors meeting; and

WHEREAS, the board of directors hereby adopt this Resolution to correct the scrivener's error in Resolution 11-01; and

WHEREAS, Article V of the Little Colorado Sanitary District's Second Amended Rules and Regulations describes when sewer charges are due and payable; disconnect for delinquency procedures; and disconnect and reconnect charges; and

WHEREAS, the Little Colorado Sanitary District Board of Directors adopted Resolution 09-01 regarding amending Article V of the Second Amended Rules and Regulations;

WHEREAS, the Board of Directors of the Little Colorado Sanitary District desires a more effective billing method and delinquency and disconnect method and procedure.

THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LITTLE COLORADO SANITARY DISTRICT THAT:

Resolution 09-01 is hereby abolished and Article V, as amended, shall be deleted in its entirety and replaced with the following:

Section 1 COMPLIANCE AND PAYMENTS

A. Sewer charges shall be billed to the Owner in whose name the service connection is recorded (“District User”).

B. All sewer charges shall be billed at the beginning of each quarter and are due and payable thirty (30) days from the date of the billing statement.

C. Sewer charges shall be considered delinquent if payment is not received within thirty (30) days from the date of the billing statement.

D. The Little Colorado Sanitary District shall mail a courtesy reminder letter to a delinquent District User within the first week of the last month of the billing quarter that will state, among other things, that payment must be received before the end of the current quarter to avoid penalty fees.

E. A delinquent District User whose delinquent fees are equal to or greater than Fifteen Dollars (\$15.00) shall be subject to disconnect from the Little Colorado Sanitary District.

F. The Little Colorado Sanitary District shall provide a Notice of Impending Disconnect to a delinquent District User whose delinquent fees are equal to or greater than Fifteen Dollars (\$15.00) within the first five (5) days of a new billing quarter stating that their sewer service shall be subject to disconnect if payment in full is not received within ten (10) days from the date of the Notice of Impending Disconnect.

G. A delinquent District User may submit a waiver of disconnect to the Little Colorado Sanitary District. A waiver of disconnect must be received by the Little Colorado Sanitary District within ten (10) days from the date of the Notice of Impending Disconnect.

H. If a waiver of disconnect is requested and granted by the board of directors, then the board of directors shall state in the minutes of the

meeting the terms for payment from the delinquent District User.

I. If a waiver of disconnect is requested and denied by the board of directors, then the delinquent District User shall be disconnected from the Little Colorado Sanitary District subsequent to the board of directors meeting.

J. A disconnection fee shall be assessed to the District User at the time a District employee or agent goes to the delinquent District User's property in preparation of disconnection of service or actual disconnect, whichever occurs first.

K. In the event that property is sold, conveyed, or otherwise transferred without all user fees being paid in full, the District shall have the option to collect such unpaid user fees from the successor or successors in interest to the owner who incurred said user fees. For purpose of this section, the user fees shall be deemed to be a charge against the land, regardless of ownership, and the same may be collected against a current property owner even if the same were incurred by a previous owner or person in possession of the property.

Section 2 DISCONNECT AND RECONNECT CHARGES

Whenever the District has disconnected a District User for failure to pay the sewer charge, or for noncompliance or other purpose, the property shall not be reconnected to the sewer system until all delinquent and penalty sewer charges are paid in full, together with a reconnection charge, as published annually.

In addition to the reconnection charge, the District may require a deposit to cover future sewer services in an amount not to exceed two year's estimated sewer charges before the property is reconnected to the sewer system.

All labor, material and equipment costs incurred to disconnect and reconnect shall be billed to the District User in addition to the reconnection charge.

If the property has been blue staked in preparatory to disconnection, the reconnect and disconnect fee shall incur regardless if delinquent payment is

made, or compliance or other purpose has occurred.

ADOPTED THIS 11th DAY OF July, 2011.

LITTLE COLORADO SANITARY DISTRICT



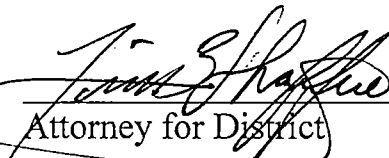
Board Chairman

ATTEST



Board Member

Approved as to Form:



Attorney for District