

ORDINANCE NO. 09- 901

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, RELATING TO CITY UTILITIES, AMENDING CHAPTERS 13.04 AND 13.24 OF THE BLACK DIAMOND MUNICIPAL CODE TO REDUCE STORMWATER ASSESSMENTS ON RESIDENTS AND CERTAIN TYPES OF BUSINESSES AND AUTHORIZE USE OF COLLECTION AGENCIES FOR DELINQUENT ACCOUNTS, AND CREATE A NEW CHAPTER 13.02 TO CREATE A UTILITY FEE DISCOUNT FOR LOW INCOME SENIOR CITIZENS AND LOW-INCOME DISABLED CUSTOMERS

WHEREAS, the City of Black Diamond recognizes that it has become increasingly difficult for low income senior citizen and low-income disabled residential customers to pay for water, sewer, and stormwater services provided by the City; and

WHEREAS, in addition, the City's recently-instituted Stormwater Utility fee went into effect at the same time that a severe economic recession has affected the incomes and financial resources of the city's residents and businesses generally; and

WHEREAS, although the City's Stormwater Utility fee was rationally-derived from an analysis of the cost of creating the stormwater system, the number of utility customers, and the funding sources available to the city, the original funding formula resulted in fee amounts that significantly impacted local businesses at the same time that an emergency long-term closure of the Green River Bridge and the severe economic recession has placed many local businesses under unprecedented financial strain; and

WHEREAS, sensitive to these issues, the City Council requested the City's Finance Director, Public Works Director, and City Attorney examine the City's utility fee structures to see what adjustments could be made to provide relief to residential customers and businesses while still enabling the City to meet its financial and legal obligations; and

WHEREAS, as part of this analysis, the City also determined that in some situations, use of collection agencies as an alternative to placing a lien on property is a more effective, flexible system to deal with delinquent utility accounts.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 13.04.270 of the Black Diamond Municipal Code is hereby amended to read as follows:

13.04.270 Payment of monthly water bill--Delinquent charges—Water shutoff and lien authorized.

- A. The monthly water rates established in Section 13.04.280 are due and payable in full at city hall and, if not paid within thirty days of the billing date identified on the billing notice, shall be delinquent.
- B. The city shall notify the customer in writing that their account is delinquent. If the account continues to remain delinquent for thirty (30) days or more, the city shall notify the customer in writing that their water service is scheduled to be terminated on or after a specified date. Such date shall be at least ten days after the written notice is served. Customers shall be responsible for payment of any applicable fees related to notice and shutoff of water service.
- C. The water may be cut off on the date stated pursuant to subsection B unless all delinquent water charges and associated fees are paid in full to the city or payment arrangements have been approved by the city's Finance Director, *provided*, if the customer defaults on the agreed payment plan, the city may terminate water service after posting notice on the premises, via door hanger or otherwise, or serving notice in person to the customer or to a person of suitable age and discretion residing at the premises, that service shall be terminated unless payment of all outstanding amounts owed and any costs is made in full to the city within two business days.
- D. Once water service is properly terminated, it shall not be restored to the premises until all delinquent water rates and fees and a turn-on charge in the amount set forth in the city's consolidated list of fees, as authorized in Section 2.62.010, are paid in full at city hall.
- E. All delinquent water charges shall be a lien against the property to which the water service has been furnished. The lien of a water charge delinquent for thirty (30) days or more past the billing date may be enforced by cutting off the water service to the premises. Said lien may also be enforced according to the procedures established in RCW 35.67.210 through 35.67.280, as currently enacted or hereafter amended.

Section 2. Chapter 13.04.310 of the Black Diamond Municipal Code is hereby amended to read as follows:

13.04.310 Interest added to past due accounts—Use of collections authorized.

- A. In addition to any other fees or charges authorized by law, the city is authorized to add interest to the amount of any delinquent water bill and associated fees at the rate of six percent (6%) per annum, as computed on a monthly basis.
- B. Pursuant to chapter 19.16 RCW, as currently enacted or hereafter amended, the city may assign any delinquent water charges and associated fees to a collections agency; the collections agency may add fees or charges to the original amount assigned to collections as allowed by law. No debt may be assigned to collections until at least thirty (30) calendar days have elapsed from the time that the city attempts to notify the person responsible for the debt of the existence of the debt and that the debt may be assigned to collections if the debt is not paid. Notice of potential assignment to collections shall be made by personal service or regular first class mail to the last known address of the person responsible for the debt, *provided*, inability to ascertain a current mailing address shall not prohibit the debt from being assigned to collections.

Section 3. Chapter 13.24.020 of the Black Diamond Municipal Code is hereby amended to read as follows:

13.24.020 Failure to pay—Delinquent bills—Liens—Water shutoff authorized.

- A. The sewer rates established in Section 13.24.010 are due and payable in full at city hall and, if not paid within thirty (30) days of the billing date identified on the billing notice, shall be delinquent.
- B. All delinquent sewer charges shall be a lien against the property to which such service has been furnished or is available, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Said lien may be enforced according to the procedure established in RCW 35.67.210 through 35.67.280, as currently enacted or hereafter amended.
- C. As an additional and concurrent method of enforcing the lien authorized in this section, the city may cut off water service to the premises to which the sewer service was furnished, in accordance with the procedure established in BDMC 13.04.270. Once water service is properly terminated, it shall not be restored to the premises until all delinquent sewer rates and fees and a turn-on charge in the

amount set forth in the city's official fee schedule, as authorized in Section 2.62.010, are paid in full at city hall.

Section 6. A new chapter 13.24.025 is hereby added to the Black Diamond Municipal Code, to read as follows:

13.24.025 Interest added to past due accounts—Use of collections authorized.

Interest may be added to delinquent accounts and unpaid charges and costs sent to a collections agency according to the procedures established in BDMC 13.04.310.

Section 7. Chapter 13.24.030 of the Black Diamond Municipal Code is hereby amended to read as follows:

13.24.030 Periodic review.

The charges and fees established by this chapter shall be reviewed periodically by the city council. As part of such review, the city's finance department shall present to the city council proposed amendments to any rates and charges necessary to enable the city to pay all costs to be incurred by the city's sewer system.

Section 8. A new Chapter 13.02 entitled, "Utilities Lifeline Rates Program," is hereby added to the Black Diamond Municipal Code, to read as described in Exhibit A, which is hereby incorporated by reference.

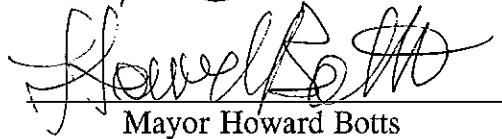
Section 9. Chapter 14.02 of the Black Diamond Municipal Code is hereby amended to read as described in Exhibit B, which is hereby incorporated by reference.

Section 10. Severability. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 12. Effective date. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

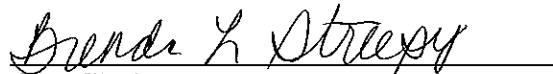
Introduced on the 23 day of April, 2009.

Passed by the City Council on the 23 day of April, 2009.



Mayor Howard Botts

ATTEST:



City Clerk

APPROVED AS TO FORM:

Loren D. Combs, City Attorney

Published: 4/28/09
Effective Date: 5/3/09

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EXHIBIT "A" TO ORDINANCE 09-_____

Chapter 13.02

Utilities "Lifeline" Rates Program

- 13.02.010 Purpose.**
- 13.02.020 Lifeline utility rates.**
- 13.02.030 Eligibility.**
- 13.02.040 Application and approval procedure.**
- 13.02.050 Appeals.**
- 13.02.060 Violation—Penalties.**

13.02.010 Purpose.

Pursuant to Article VIII, section 7 of the Washington State Constitution and RCW 74.38.070, the city of Black Diamond wishes to provide necessary support for the poor and infirm who would otherwise be unable to afford the standard monthly service rates of the city's water, sewer, and storm water utilities. At the same time, the city recognizes that its ability to offer special rates is limited by the financial constraints of the city and the limited revenues available to fund special rates for low-income residents. Therefore, the city has been forced to limit availability of these special rates according to the criteria described in this chapter.

13.02.020 Lifeline utility rates.

- A. The city of Black Diamond hereby authorizes a reduced monthly rate for residential low-income senior citizen and residential low-income disabled customers of the city's water, sewer, and storm water utilities. This reduced rate shall be known as the "Lifeline" rate, and shall be a reduction of up to fifty percent (50%) of the city's share of the costs for services provided under the city's water, sewer, and storm water utilities. Fees or charges collected by the city on behalf of other utilities shall be unaffected.
- B. The exact amount of the Lifeline rate reduction shall be set annually by the city council and published on the city's official fee schedule.

13.01.030 Eligibility.

- A. Lifeline utility rates shall be available to any household that meets the following criteria:

1. The residence or apartment seeking to receive the lifeline rates must be served by city of Black Diamond utilities.
2. The account must be in the name of a resident customer who is sixty-two (62) years of age or older, or who can provide verification from an attending physician or other official document, such as a Supplemental Security Income (SSI) statement, of being permanently disabled; and
3. Total household disposable income from all sources (such as Social Security; Disability payments; Veteran's benefits; pensions; rents; annuities; IRA withdrawals; etc.) must not exceed the official guidelines set annually by the federal Department of Housing and Urban Development (HUD); and
4. The customer eligible for the lifeline rate must be living at the residence or apartment receiving the discount.
5. Households in which a person resides who is receiving kidney dialysis and where the household income does not exceed the HUD guidelines may receive a discount on water rates of fifty percent (50%). The customer eligible for the lifeline rate must be living at the residence or apartment receiving the discount.

B. Lifeline utility rates shall be available for residential customers only; non-residential users shall be ineligible to receive lifeline rates.

13.02.040 Application and approval procedure.

A. Application procedures.

1. Persons wishing to apply for a lifeline rate shall file an application with the city clerk on a form approved by the city. This form shall include a statement in which the applicant attests under oath that the information provided by the applicant is true and correct to the best of applicant's knowledge.
2. The applicant shall provide a copy of applicant's most recent tax return, or other reliable official document, that verifies the applicant's income.
3. If the applicant is asserting a disability that renders them eligible for a lifeline utility rate, the applicant must provide verification of their condition from a licensed attending physician or through other official documents, such as a Supplemental Security Income (SSI) statement, that verifies that the applicant is

permanently disabled.

4. The city may require any other information from the applicant reasonably necessary to determine the applicant's eligibility.

B. *Approval or denial of application.*

1. Applications for lifeline utility rates shall be reviewed by the city's finance director, or his or her designee, for completeness and eligibility. An incomplete application shall not be processed.
2. The finance director, or his or her designee, shall inform the applicant in writing whether the application has been approved or denied. If the application is denied, the applicant shall be informed in writing of the reason for the denial.
3. If denial is based on misrepresentation of information by the applicant, the applicant shall be ineligible to receive a lifeline rate for a period of five years.

C. *Annual application required.* Applicants for a lifeline utility rate shall be reviewed for approval based on their circumstances at the time of application, *provided*, persons may apply only once in any calendar year, and persons who have previously been denied based on intentional misrepresentation to the city shall be ineligible to receive lifeline rates for a period of five years. Persons who have previously been approved for a lifeline utility rate must reapply each year and demonstrate their continued eligibility. No lifeline rate shall be renewed without an application and approval as provided in this section.

D. *Revocation of lifeline rate.* The city shall have the right to immediately revoke any lifeline utility rate reduction upon probable cause to believe the applicant and/or recipient of the rate is ineligible to receive it.

13.02.050 Appeals.

A person who has properly applied for and been denied a lifeline utility rate may appeal this denial by filing a request in writing within ten days of the denial to the city administrator. The appellant may provide additional information to support the appeal, if desired. A decision on the appeal shall be issued within thirty days of receipt. If the position of city administrator is vacant at the time the appeal is filed, the mayor shall consider the appeal. The decision of the city administrator or the mayor shall be final. Requests received by telephone, facsimile, or email shall not satisfy the requirements of this section.

13.02.060 Violation—Penalties.

The city shall have authority to take all measures, criminal and civil, allowed by law to seek reimbursement for any reduction in utility rates achieved based on intentional misrepresentation, fraud, or deceit, and to seek any other penalties available under the law.

EXHIBIT "B" TO ORDINANCE 09-_____

Chapter 14.02

STORMWATER UTILITY

Sections:

- 14.02.010 Purpose**
- 14.02.020 Definitions**
- 14.02.030 Stormwater and Surface Water Management Utility Created**
- 14.02.040 Utility Administration Authority**
- 14.02.050 Future Growth**
- 14.02.060 Developed Properties**
- 14.02.070 Calculation of Impervious Ground Cover--ERUs.**
- 14.02.080 Undeveloped Real Property**
- 14.02.090 Public street right-of-ways**
- 14.02.100 Connection Charges**
- 14.02.110 Service Charge Rates**
- 14.02.120 Billing—Interest added to past due accounts--Collections authorized**
- 14.02.130 Periodic review of charges and fees**

14.02.010 Purpose

It is the finding of the City that the stormwater and surface water management utility is necessary in order to promote public health, safety, and welfare by establishing and operating a comprehensive approach to surface and stormwater problems. The purpose of the rates and charges established herein is to provide a method for payment of all or any part of the cost and expense of maintaining and operating stormwater control facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing, and improving any of such facilities, or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such services. These rates and charges are necessary in order to promote the public health, safety and welfare by minimizing uncontrolled surface and stormwater, erosion, and water pollution, to preserve and utilize the many values of the City's natural drainage system including water quality, open space, fish and wildlife habitat, recreation, education, urban separation and drainage facilities, and to provide for the comprehensive management and administration of surface and stormwater.

14.02.020 Definitions

The following definitions shall apply in the interpretation and enforcement of this chapter:

1. “City” shall mean the City of Black Diamond, Washington.
2. “Connection Charge” shall mean that fee charged by the utility to property which is developed which reflects a proportionate share of the utility’s capital costs attributable to the newly developed property.
3. “Developed” shall mean that condition of real property altered from its natural state by the addition to or construction on such property of impervious ground cover or other manmade physical improvements such that the hydrology of the property or a portion thereof is affected.
4. “Drainage Facility” shall mean the system of collecting, conveying, and storing surface and stormwater runoff. “Drainage facility” includes but is not limited to a constructed or engineered stream, pipeline, channel, ditch, swamp, lake, wetland, closed depression, infiltration facility, retention/detention facility, erosion/sedimentation control facility, and other drainage structures and appurtenances that provide for drainage.
5. “Equivalent Residential Unit” shall mean and be equal to 3,000 square feet of impervious ground cover and is the measure of impervious ground cover to be used by the utility in assessing service charges and general facility charges against each parcel of property.
6. “Impervious ground cover” shall mean those hard surfaced areas either which prevent or retard the entry of water into the soil in the manner that such water entered the soil under natural conditions preexistent to development, or which cause water to run off the surface in greater quantities or at an increased rate of flow than that present under natural conditions preexistent to development, including without limitation such surfaces as roof tops, asphalt or concrete sidewalks, paving, driveways and parking lots, walkways, patio areas, storage areas, oiled macadam or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development, *provided*, gravel surfaces without an impervious surface underneath the gravel shall not be considered impervious ground cover for purposes of this chapter.
7. “Parcel” shall mean the smallest separately segregated unit or plot of land having an identified owner, boundaries and surface area which is documented for property tax purposes and given a tax lot number by the King County Assessor.
8. “Service area” means the incorporated areas of the City of Black Diamond.
9. “Service Charge” shall mean the monthly rate levied by the utility upon all developed real property within the boundaries of the utility.
10. “Surface and stormwater” shall mean water originating from rainfall and other precipitation that is found on ground surfaces and in drainage facilities, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

11. “*Surface and stormwater management services*” shall mean the services provided by the Public Works Department, including, but not limited to, basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and stormwater quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations and facility design and construction.
12. “*System*” shall mean the entire system of storm drainage facilities owned by the utility or over which the utility has control or right of use for the movement and retention of storm and surface waters, including both naturally occurring and manmade facilities.
13. “*Undeveloped*” shall mean that condition of real property unaltered by the construction or addition to such property by man of impervious ground cover or physical manmade improvements of any kind which change the hydrology of the property from its natural state.
14. “*Utility*” shall mean the City of Black Diamond Stormwater and Surface Water Management Utility.

14.02.030 Stormwater and Surface Water Management Utility Created

The City Council creates and establishes for and on behalf of the citizens of the City a stormwater and surface water management utility, in accordance with and subject to the laws of the state, including the establishment of rates and charges therefor. The City Council further establishes that the stormwater and surface water management utility boundaries shall coincide with the legally established boundaries of the City’s corporate limits.

14.02.040 Utility Administration Authority

The City’s stormwater and surface water management utility herein created shall be administered by the City’s Public Works Department in such a manner as the City Council shall provide.

14.02.050 Future Growth

It is the finding of the City that effective and comprehensive management of surface and stormwater runoff must include anticipation of future growth and development in the city, and that this growth and development shall guide the design and improvement of the surface and stormwater management system. Service charge revenue needs shall be based upon both the present and future requirements of the surface and stormwater management system, and these needs shall be considered when determining the rates and charges of the utility.

14.02.060 Developed Properties

It is the finding of the City that developed properties contribute to an increase in surface and stormwater runoff to the surface and stormwater management system. This increase in surface and stormwater runoff results in the need to establish rates and charges to finance the City's activities in stormwater and surface water management. Developed properties shall be subject to the rates and charges of the surface water management utility based on their contribution to increased runoff based on the amount of impervious surface areas.

14.02.070 Calculation of Impervious Ground Cover—ERUs.

- A. The City shall calculate the impervious ground cover of each parcel of developed real property, except single family residential, duplex, triplex, and fourplex, to determine the number of equivalent residential units contained therein; 3,000 square feet of impervious ground cover shall equal one equivalent residential unit (ERU). Each developed parcel of property shall be deemed to contain a minimum of one ERU.
- B. Classification of a given developed property shall depend on its actual use, not its zoned use, according to the following:
 - 1. All detached single-family homes, manufactured homes and mobile homes, when each is used only as a residence, are considered "single family residential" for purposes of this section and shall be deemed to contain one equivalent residential unit.
 - 2. All duplexes, triplexes and fourplexes, when each is used only as a residence, are deemed to contain one equivalent residential unit for each unit within the complex.
 - 3. All other developed real properties within the utility boundaries shall have the number of ERUs contained thereon determined by dividing the number of square feet of impervious ground cover on each property by 3,000 square feet/ERU; the total thus obtained will be rounded to the nearest half.
 - 4. Where a property is being used for both residential and non-residential purposes, the property shall be classified based on which type of use is dominant on the site. Dominant use shall be determined based on factors including, but not limited to, the amount of square footage devoted to the use, and whether the non-residential use involves customers or employees coming to the site and/or storage of commercial materials onsite.
 - 5. For purposes of this section, any developed property that is unoccupied shall be

classified according to the use to which the property was most recently put prior to becoming unoccupied.

14.02.080 Undeveloped Real Property

Properties remaining in an undeveloped condition are deemed not to make use of the services of the utility or of the facilities of the system beyond that used by such property in the natural state. Therefore, no service charge shall be imposed upon undeveloped real property.

14.02.090 Public street right-of-ways

City, County, and/or State roadway right-of-ways are exempt from service charges and general facility charges.

14.02.100 Connection Charges

A connection charge shall be assessed against an owner of real property at the time of issuance of a development permit for any onsite storm or surface water drainage structure or facilities which attach or connect to, or otherwise drain into, the system of drainage facilities or where any additional surface or stormwater runoff is generated and delivered or transported through either natural or person-made watercourses to the utility's system of storm and surface water facilities.

14.02.110 Service Charge Rates

A. Service charges are hereby imposed on each parcel of real property within the City served by or to which is available for service the stormwater and surface water management utility.

B. The following service charge rate is hereby established for all parcels of real property in the City, subject to any credits as described in subsection C, below:

1. For fiscal year 2009: The rate is amended from \$13.00 to \$10.00 per ERU per month, effective April 1, 2009; *provided*, customers will receive a credit from the city for the difference in cost for the months of January, February, and March 2009 between the original rate and the new rate.

2. For fiscal year 2010: \$11.50 per ERU per month.

3. For fiscal year 2011: \$13.00 per ERU per month.

C. *Credits*. Where applicable, the following credits may be applied in calculating the service rate for a parcel of real property within the city of Black Diamond:

1. *Dept. of Ecology Permit credit.* Any customer within the city of Black Diamond that is required to obtain a general or individual wastewater permit from the Washington State Department of Ecology shall receive a credit, prorated monthly, in the amount paid each year for such permit toward the amount owed to the city of Black Diamond under this chapter. In order to qualify for this credit, the business must provide the City with a copy of the Department of Ecology permit and proof of payments along with a letter to the city utility clerk requesting the credit.

2. *Storm pond investment credit.* Any customer that is assessed a stormwater utility fee under BDMC 14.02.070.B.4 and that constructs and has approved by the city a storm water detention/retention facility shall be eligible for a credit toward the storm water utility rate for the site served by the facility, subject to the following:

- (a) To qualify for a credit, the detention/retention pond and associated facilities must adequately perform storm water treatment functions through the use of such methods as oil/water separators, bioswales, wet ponds, cartridge filter systems, or other means. The city may revoke any credit granted under this section upon a determination that the facilities are out of compliance with this section.
- (b) The owner of record must provide the city's public works department with a copy of the facility's "As Built" plans, stamped and signed by the owner's Engineer, to verify that the drainage system has adequate capacity to meet the design criteria for which the Owner is requesting a credit. The Engineer shall also provide a stamped and signed operations manual for the retention/detention pond. New capacity calculations, "As Built" plans, and a new operations manual shall be provided to the city if the retention/detention pond is increased or decreased in size.
- (c) Annually by January 1 of the year preceeding the year for which the credit is being requested, each Owner of Record shall provide a certified statement on a form provided by the city verifying that all required maintenance has been performed in accordance with the operations manual. Once every five years, the certified statement shall be stamped and signed by the owner's Engineer.
- (d) The Owner of Record shall provide the city with a "hold harmless" statement on a form provided by the city that indemnifies the city from any loss arising from the construction and maintenance and operation of the retention/detention pond and associated private drainage facilities for both the quantity and quality of water runoff from the owner's property. This statement shall be signed by the Owner and will be recorded with the County Auditor by the Owner of Record. The

Owner of Record shall provide a copy to the city showing the County Auditor's recording number stamped on it before the credit will be given by the city.

(e) Each Owner of Record must enter into an agreement that allows the city to enter upon the Owner's property to inspect the retention/detention pond and associated drainage facilities and verify all information submitted by the Owner and his or her Engineer. The agreement shall be on a form provided by the city and shall be recorded with the County Auditor by the Owner. The Owner shall provide a copy to the city showing the County Auditor's recording number stamped on it before the credit will be given by the city.

(f) Credit shall be given as follows:

(1) Retention facilities:

- a. 100-year storage: 85% credit
- b. 50-year storage: 40% credit
- c. 25-year storage: 20% credit
- d. 10-year storage: 10% credit

(2) Detention facilities:

- a. 100-year storage facility with release rate of 50% of the predevelopment discharge rate for a two-year storm: 85% credit
- b. 50-year storage facility with release rate of 50% of the predevelopment discharge rate for a two-year storm: 40% credit
- c. 25-year storage facility with release rate of 50% of the predevelopment discharge rate for a two-year storm: 20% credit
- d. 10-year storage facility with release rate of 50% of the predevelopment discharge rate for a two-year storm: 10% credit

14.02.120 Billing—Interest added to past due accounts—Use of collections authorized.

- A. Stormwater and surface water management utility charges shall be computed on a monthly basis. The amount billed shall be included on the city utility bill.
- B. In addition to any other fees or charges authorized by law, the city is authorized to add interest to the amount of any delinquent stormwater utility charges and associated fees at the rate of six percent (6%) per annum, as computed on a monthly basis.

- C. Pursuant to chapter 19.16 RCW, as currently enacted or hereafter amended, the city may assign any delinquent charges and associated fees to a collections agency; the collections agency may add fees or charges to the original amount assigned to collections as allowed by law. No debt may be assigned to collections until at least thirty (30) calendar days have elapsed from the time that the city attempts to notify the person responsible for the debt of the existence of the debt and that the debt may be assigned to collections if the debt is not paid. Notice of potential assignment to collections shall be made by personal service or regular first class mail to the last known address of the person responsible for the debt, *provided*, inability to ascertain a current mailing address shall not prohibit the debt from being assigned to collections.

14.02.130 Periodic review of charges and fees

The charges and fees established by this ordinance and any other ordinances of the City Council establishing charges and fees for the stormwater and surface water management utility shall be reviewed periodically by the mayor or his or her designee. As part of such review, the finance director, in conjunction with the public works director, shall present to the City Council a yearly budget for the utility and propose amendments to any rates and charges necessary to enable the city to pay all costs to be incurred by the utility.