RESOLUTION NO. WD-11-03

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST CHICAGO DEPARTMENT OF WATERWORKS ESTABLISHING A POLICY DETERMINING ULTIMATE RESPONSIBILITY FOR WATER AND SEWER CHARGES BILLED BY THE DEPARTMENT

WHEREAS, the Board of Directors of the East Chicago Department of Waterworks, as part of its rule making authority, desires to establish a policy regarding the ultimate responsibility for paying for water and sewer service charges billed by the Department; and

WHEREAS, heretofore, charges for water and sewer service provided to rental property and other property occupied by a person other than the owner could be billed to and be the sole responsibility of the tenant or occupant. The Board of Directors of the East Chicago Department of Waterworks desires to establish a policy making the property owner primarily and ultimately responsibility for those charges.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the East Chicago Department of Waterworks that the following policy be established:

The responsibility and liability for the cost of water and sewer service provided to customers within the city shall belong to the property owner of record. 170 IAC 15 allows for landlords to sub-bill for water or sewage disposal service. "Sub-bill" is defined as a landlord's request of payment from a tenant for the distribution of water or sewage disposal service, which service is provided to the landlord by a public utility or municipally owned utility.

The Water Department shall utilize four (4) methods for converting utility bills from the tenant's responsibility to the property owner's responsibility

1) PROPERTY TAX INFORMATION: The Water Department shall use property tax information to determine who the responsible party for water and sewer charges is currently. If it is found that the tenant is responsible, as indicated by the fact that the service is being billed to a person or entity other than the owner of record, a letter will be sent to the owner with a copy to the responsible party to explain the changes and the conversion process.

2) RENTAL REGISTRATION: The Water Department shall, periodically, obtain rental registration information from the Building Department. This information will be used to determine the current responsible party for

water and sewer charges. If it is determined that a person other than the owner of record is responsible, a letter will be sent to the owner and a copy to the responsible party to explain the changes and the conversion process.

3) GARBAGE COLLECTION FEES: If any property owner is to be billed for garbage collection service, such person shall also be responsible for water and sewer charges on that property. A letter will be sent to the property owner explaining the changes and the conversion process.

4) WALK-IN CUSTOMERS: If a person presents himself/herself as a new tenant requesting water service, that person shall be informed that property owners are required to be the responsible party for said account.

Thereafter, the following conversion process shall be used: The property owner will need to present himself/herself to the East Chicago Water Department with the following information:

- Valid photo ID
- Proof of ownership of property

and shall be required to sign a contract for water and sewer services and place a deposit. The amount of the deposit will follow the current schedule. The current schedule is available at the East Chicago Water Department office as well as the office of the Indiana Utility Regulatory Commission (IURC). An electronic copy is also available at www.eastchicago.com, click on "DEPARTMENTS", click on "WATER DEPARTMENT" in the lower right-hand corner, then click on "WATER RATES".

If a tenant or occupant has an account at an address which is being converted, that account shall be placed into a "FINAL" status. The tenant or occupant's deposit shall be applied to the charges. If the amount of the deposit exceeds the charges, the tenant or occupant shall receive the remaining deposit; likewise if the charges exceed the amount of the deposit, the tenant or occupant shall receive a final bill reflecting the applied deposit. Final bills are mailed on the 15th and 30th of each month (not including weekends, holidays, etc).

In the event that the property owner is unable to come to the Water Department due to extenuating circumstances (such as, but not limited to, residing in an area which does not allow for easy travel to the East Chicago Water Department; illness), the East Chicago Water Department may accept a clear photocopy of a valid photo ID and proof of ownership that is mailed to the office. Due to the sensitive nature of the documents, the Water Department suggests the use of registered mail or delivery/signature confirmation. Since distortions may be caused by the use of facsimile (fax) machines, faxed copies of documentation will not be accepted.

Bills are issued monthly and if not paid by the due date shall accrue late fees for water charges as approved by the IURC and late fees for sewer charges as dictated by state statute. All charges are the responsibility of the property owner and, in the event of a delinquent bill, the East Chicago Water Department will make reasonable attempts and take reasonable measures available, including interruption of water service, to collect payments. If unsuccessful, the East Chicago Water Department will utilize the services of a collection agency and/or place a lien on the property.

Adopted this 16 day of June, 2011, in regular meeting assembled.

John Bakota, President

Joseph Ochoa, Vice President

Anthony Askounis, Member

Raymond Lopez, Dr, Member

Angelo Machuca, Member

Attest:

Pete Baranyai, Secretary