



LOWER RIO GRANDE

Public Water Works Authority

P. O. Box 2646 Anthony, New Mexico 88021 (575) 233-5742

MEMBER - CUSTOMER POLICIES

These policies are issued in compliance with NMSA 1978 73-26-1 and the Governance Document of the Lower Rio Grande Public Water Works Authority and are designed to govern the supplying and taking of services rendered by the Authority. These policies are subject to change from time to time to ensure the proper management of the Authority and until the Authority is no longer indebted to the United States of America, all changes must be approved by the State Director of Rural Development, Department of Agriculture) (hereinafter called "Director"). If a provision of the Member & Customer Policies should conflict with a provision of the Governance Document, the Governance Document provision shall prevail.

1. MEMBER APPLICATION FOR WATER/SEWER SERVICE.

A. Application. Water/Sewer service will be available subject to the capacity of the Authority's facilities. All persons wishing to obtain Membership/water/sewer service from the Authority must be property owners within the Authority's service area as defined in the Authority's Governance Document Article II Section 2.01. Corporations and co-owners of a property are entitled to one Membership. Renters shall obtain water/sewer service as stated in Paragraph 1.D. below.

B. Applicants must provide:

- i. Completed and signed MEMBER APPLICATION FOR WATER/SEWER SERVICE (Attachment #1)
- ii. Completed and signed WATER/SEWER USERS AGREEMENT for each connection to the Authority's water or sewer system (Attachment #2)
- iii. Copies of Applicants' photo identification, proof of property ownership, parcel ID number, map code and county designated street address for the property where the service connection will be located.
- iv. Payment of a non-refundable Estimate Fee which will be applied toward the cost of connection. Estimates are valid for thirty (30) days from the date issued by the Authority and a new estimate and fee will be required after that. All non-refundable Estimate Fees paid will apply toward the cost of connection



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- v. Payment of non-refundable Membership Fee, hookup fee, and all other applicable fees from the FEE SCHEDULE (Attachment #2) established by the Authority
- vi. If a mobile home is to be placed on the property, the Applicant must provide the Authority with a copy of an approved MHP (mobile home installation permit) from Dona Ana County's Mobile Home Section. This permit shall be for residency and not for storage purposes. For site-built homes, a copy of the building permit shall be provided. For applicants who cannot provide proof of either of these county permits, a Conditional Service Connection may be approved, as long as the service is in compliance with USDA Rural Development regulations. Should the County subsequently take action subsequently to remove the structure from the Applicant's property; the property owner will not be reimbursed by the Authority for any fees or costs incurred as a Member, nor does the Authority assume any liability for providing service conditionally without proof or a permit from the County.
- vii. The Applicant shall check with the Lower Rio Grande PWWA regarding any outstanding account balances. Service will not be provided until all outstanding balances are paid in full. See Attachment #8 Real Estate Contract Policy.

C. Approval of Application. Upon submitting of an Application, Water/Sewer Users Agreement, all required documentation and payment of a membership fee, the General Manager or Designee shall promptly review and make a decision on the application. The LRGPWWA is subject to the conditions of USDA Rural Development as a borrower. § 5001.127 Borrower ineligibility conditions prohibits borrowers from deriving income from illegal drugs, drug paraphernalia, or any other illegal product or activity as defined under Federal statute. Therefore, applications for water or sewer service where products or activities that are illegal under Federal statute will be denied regardless of their status under State or Local statute or ordinance. If the application is not approved, the Membership fee shall be refunded. Once the membership application is approved, the fee is not refundable and a non-transferrable Membership Certificate will be issued after the service is installed. Incomplete applications may be grounds for denial of service. A Membership fee must



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accompany the Application (if applicable). Water/Sewer service will not be available until these forms have been completed, approved by the Authority and all applicable fees have been paid in full. **Please note that this is for a simple installation.**

D. Water/Sewer Services for Rental Property. Applications for renters' water/sewer service may be approved by the General Manager or Designee of the Authority, but only if the property owner's Membership is current and in good standing. The property owner shall be the Member and responsible for all bills incurred, but the Authority will send bills to renters if requested by the Member. However, landlords renting properties serviced by the Authority must have each renter come in and complete a Renter's Application for water/sewer service. Both the Member and the renter must sign the Application. All renters must first pay a Renter's Deposit before service is made available. The deposit shall be refunded when the renter leaves, provided that the renter submits a Renter's Exit Form, account balance and any pending charges are paid in full. Upon receiving Renter's Exit Form, the Authority will obtain a final meter reading, issue a prorated final bill, apply the Renter's Deposit to the account balance, and refund any credit balance to the Renter. When opening a renter account, the member/owner will have no authority over the renter's account unless it becomes delinquent and 90 days from the bill date, after which the LRGPWWA will notify the member/owner and the member/owner will have the authority to close or deactivate the account.

E. Water Rights and Fees. New Members or current Members requesting additional service connections will be required to provide water rights transferable to the Authority or pay a fee associated with the acquisition of additional water rights.

2. WATER/SEWER SERVICE.

A. Water/Sewer Service Ready to be Connected. Once the application process has been completed by the property owner and the application has been approved by the Authority and all applicable fees have been paid in full, hook-up will be installed by a certified operator employed by the Authority consisting of a water metering facility at the main water line easement or a sewer line stub-out will at



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the collection line easement, whichever is applicable. An Authority water meter connection is required for sewer connection.

- B. Shut-off Valve.** Each water metering facility shall have a shut-off valve on the Member/customer-side of the meter. This valve shall be installed and maintained by the Member/customer. The intent of the valve is for the Member/customer to be able to shut off and reopen their service in the event of an emergency or when they make repairs on their service lines within their property. After normal business hours, the Authority shall assess a fee to open or close the service when requested by the Member and/or customers.
- C. Additional facilities required for Service.** Service connections requiring additional facilities (except for cross-connection prevention and control device as identified in the Cross-Connection Prevention and Control Policy (CCPCP)) as required by the Authority's Policies and/or system design criteria and/or by State or Federal agencies, shall be installed by the Authority or by the Member(s)/customer(s) requesting or receiving the service. The Member(s)/customer(s) are responsible for costs and fees associated with the additional facilities to include the maintenance, repair and replacement of the additional facility.
- i. Dedicated fire flow lines may only be utilized for fire protection.
 - ii. All dedicated fire flow lines shall be metered and any costs associated with the installation of the metering facilities will be the responsibility of the property owner.
 - iii. Any unauthorized use of a dedicated fire flow line will result in the conversion of that line into a regular water service line and all associated fees including Water Right Acquisition Fee, Water Rate Schedule, Penalty, Cross Connection Prevention and Control Policy Fees, and Other Fees will apply.
- D. Sale of service(s).** Water and wastewater service is for the sole use of the Member or customer, who applied for and was approved to receive service. Members or



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customers are prohibited from re-selling service(s) being provided by the Authority.

E. Connection to Private System. There shall be no physical connection between any private water system/well and the water system of the Authority and there shall be no physical connection between any private sewage disposal system and the sewer system of the Authority. A representative of the Authority shall have the right at all reasonable hours to enter upon Member's premises for the purpose of inspection and enforcement of this provision. Violation of this provision is cause for immediate disconnection of a member's water service. If a backflow prevention valve is installed, the Member will pay for all expenses incurred.

F. Continuity of Service. The Authority will make all reasonable efforts to supply continuous, uninterrupted service. However, it shall have the right to interrupt service for the purpose of making repairs, connections, extension, or for other necessary work. Water service to customers who fail to repair a leaking wastewater service line or septic facility located on their property within one (1) week, and which is deemed by the Authority to be causing an environmental or health hazard, may be disconnected by the Authority until the repair is made. Efforts will be made to notify Members and customers who may be affected by such interruptions, but the Authority will not accept responsibility for losses, which might occur due to such necessary interruptions of service or shortage of water supply.

G. Water Shortage. In the event of a shortage of water, the Authority shall take appropriate measures, (such as restrictions to water use and acquisition of additional water) to meet the needs of the Authority.

H. Rates and Fees. The Authority Schedule of Rates & Fees (Attachment #2) is attached to and made a part of this Policy.

I. Minimum Charge.

- i. Water/Sewer services shall be considered ready to use when the Authority maintains the water supply at normal pressure at the point of



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delivery in readiness for the Member's use, regardless of whether or not the Member makes use of it or when the collection line is ready to convey sewage. Charges shall be made for services as of the date service is ready to use.

- ii. All Authority members/customers are subject to at least the minimum water/sewer charge as long as water/sewer service is available and ready to use. Failure to pay for the minimum water service within the time provided herein and after due notification by the Authority shall be grounds for a penalty and/or disconnection of service. Service is still considered to be available when disconnected for nonpayment.
- iii. An active Member may voluntarily activate or deactivate their water service for a fee. However, Activation or Deactivation of service is required unilaterally for both water and sewer and requires a signed statement by the member requesting the meter being activated or deactivated. During Deactivation the member will not be assess a minimum charge for deactivated service. Activation commences the initiation of billing for that service. **Any recorded water/sewer usage on a Deactivated service is a violation of this policy and is grounds for a penalty fee (See FEE SCHEDULE—Attachment #2) or disconnection of service at any facility in service for the Member.**
- iv. Service to a property being sold shall be subject to an Administrative Service Deactivation fee. Activation of the service once the sale is complete shall be subject to an Administrative Service Activation fee.

J. Legal/Illegal Water/Sewer Service Connection. Water/Sewer service shall consist of facilities to supply water at normal operating pressure of the system to one dwelling or commercial unit at the meter or sewer stub-out. Water/Sewer service is for the sole use of the member, his agent(s) or tenant(s) **at the location requested only**, and does not permit the transfer or cross-connection of water by any means to another dwelling or commercial unit. Multiple connections are prohibited by the Authority and are unfair to the Members of the Authority. A representative of the Authority shall have the right at all reasonable hours to



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enter upon a Member's premises for the purpose of inspection and enforcement of this provision. **A violation of this policy is grounds for a penalty (See FEE SCHEDULE—Attachment #2) or disconnection of service at any facility in service for the Member.** An **Additional Minimum Policy** has been adopted to address certain types of multiple connections for both water and sewer connections.

3. METERING FACILITIES.

- A. Metering of Water Service.** Water service will be metered at each individual dwelling or place of business. Multiple dwellings **shall not** be connected to one service connection unless as outlined in the **Additional Minimum Policy**. Meter facilities shall be installed by the Authority.
- B. Metering Facilities/ Tampering.** Metering facilities shall be installed, owned and maintained by the Authority and shall be paid for by the Member. These shall consist of service clamp, corporation stop, service line, meter yoke, meter box, backflow device, and meter. Metering facilities are for the sole use of the Authority. **A violation of this policy is grounds for a penalty (See FEE SCHEDULE—Attachment #2) or disconnection of service at any facility in service for the Member. Tampering with meter facilities is a violation of Authority Policy and in some cases a violation of State and/or Federal law which may be reported to the appropriate law enforcement agency and prosecuted.**
- C. Location of Metering Facilities.** Metering facilities shall be located at the main line or at the member's property line. In special cases where this is not practical, the location shall be agreed upon jointly by the General Manager or Designee and the Member. Should the location be within the member's property, he/she shall grant the Authority an easement of right-of-way and the right of ingress and egress to said property for the purposes of servicing or removing the metering facilities.
- D. Meter Accuracy.** Water meters, where errors do not exceed three (3%) percent fast or slow, shall be considered as being within the allowable limits of accuracy for billing purposes. Whenever a meter in service is tested and found to have over-registered more than three percent (3%), the LRGPWWA shall adjust the



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Member's bill for the excess amount paid as determined by the percentage in excess of three percent (3%). In the event error percentage cannot be determined, the Member's bill will be adjusted to the usage for the same month in the previous year. An adjustment will not be made if the excess amount paid is less than \$5.00.

E. Meter Testing. Meter testing requested by Members will be performed without cost to the Member only after the meter has been data-logged (see section 3. G below), and only if the results show it to be inaccurate in excess of three percent (3%). Otherwise, the Member for whom the required testing was made will be charged for the cost of making the test.

F. Meter Reading. Meters will be read by the Authority on a regular monthly schedule, and different areas of the system may be on different meter reading and billing cycles. If a meter cannot be read, the Authority will bill the Member for the average water used during the prior three months until such time as adjustments can be made for actual water used.

G. Radio-Read Meter Data-logs. The radio-read meters utilized by the Authority can provide daily usage data for the previous six (6) months. Members who believe their usage is too high should consult with Customer Service Staff to review their usage history, and may request that their meter be data-logged. The Data-Logging Fee (see Attachment 2: Schedule of Rates & Fees) shall not be applied the first occurrence per account within a one-year period, but shall apply to all subsequent data-log requests within a one (1) year from the most recent one unless meter test results show inaccuracy greater than three-percent (3%).

H. Meter Replacement in Existing Service Connection. The Authority will replace meters in existing service connections upon request of the Member subject to a Meter Replacement Fee (see Attachment 2: Schedule of Rates & Fees) based on the cost of labor and materials.

4. BILLING AND PAYMENT FOR WATER/SEWER SERVICE.

A. Dates:



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Bill Date Cycle #1 bills are sent on the 1st of the month. Additional Cycles may be added as needed due to growth of the customer base.

Due date is twenty-five days after the billing date for the cycle. Cycle #1 bills are sent on the 1st of the month, and the due date is the 25th. Additional Cycles may be added as needed due to growth of the customer base.

Overdue date is 3:00 p.m. on the due date.

Delinquency date is thirty (30) days after the bill date

Fees for Disconnection of Service, Non-Sufficient Funds, Meter Tampering, and Open or Close Water Service After Hours are due immediately and are subject to overdue and delinquent penalties.

B. Billing of Water/Sewer Service. All Authority Members are subject to at least the minimum water and minimum sewer charges as soon as water/sewer service is available, as defined in *2.I.ii. Water/Sewer Service*. The Authority shall bill the membership **monthly** for water/sewer service from actual meter readings and/or at the rates set forth on the approved water/sewer rate schedule attached to this Policy. All water metered as used by the member shall be subject to the rate schedule, including water leaked from a member's line.

C. Payment of Water/Sewer Service Bills. Bills for water/sewer service are due and payable at the location indicated on the bill or at the location determined by the Board of Directors. Payment of a bill is due on the **due date** and becomes **overdue at 3:00 p.m. on that date**. To be timely, payments must be received in the Authority's offices on or before **3:00 p.m. on the due date** to avoid overdue penalties. Payments made by check shall not be held. All checks received shall be deposited. For fees associated with returned checks, bank drafts, credit cards, debit cards and phone payments, see Attachment 2 Schedule of Rates & Fees.

D. Overdue Accounts. Overdue amounts are assessed a **penalty of 15% of the amount due per month**. Failure to pay for water/sewer service will result in disconnection of water service SEE below.



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E. Delinquent Accounts/Notification & Disconnection of Service. Accounts become delinquent and subject to disconnection of water forty-five (45) days after the billing date. **Delinquent notice is outlined in the printed bill, no further notice will be provided.** Payment to the account which does not pay the delinquency in full will be insufficient to avoid disconnection unless arrangements for a payment plan have been approved in writing by the Customer Service Specialist at the request of the member prior to water being shut off. The Customer Service Specialist has discretion regarding whether to agree to a payment plan. In addition, for a renter account, the member/owner will have no authority over the renter's account unless it becomes delinquent and 90 days from the bill date, after which the LRGPWVA will notify the member/owner and the member/owner will have the authority to close or deactivate the account.

F. Negotiation of Payment Agreement. To avoid disconnection of services, the Customer Service Specialist and a current customer and/or Member may negotiate a monthly payment schedule for the delinquent amount, provided that at the time of the agreement, the customer and/or Member shall pay as an initial deposit fifty percent (50%) of the overdue amount.

If services are disconnected, the Customer Service Specialist and the customer and/or Member may still negotiate a monthly payment schedule for the delinquent amount. Services will be reinstated provided that the current account holder and/or member pay the delinquency fee and fifty percent (50%) of the overdue amount.

G. Non-Sufficient Funds/Delinquent Accounts. If a payment by check or bank draft is returned for non-sufficient funds, the balance due plus Non-Sufficient_Funds Fee, and any other applicable fees shall be added to the account, which thereafter will be required to be paid in cash.

H. Disconnection of Water Service. Any water service which has been disconnected due to a delinquent account shall not be reconnected until the account has been paid in full. Accounts that have had water service disconnected are still subject to the minimum water/sewer charges.



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The delinquency fee is applied after the delinquency date has occurred and the disconnection list is generated, which is forty-five (45) days after billing date and whether services have or have not been physically terminated through closing, locking or removing of water meter.

- I. Delinquent Accounts.** When an account balance reaches sixty (60) days, the customer will be required to pay a deposit (See Schedule of Rates & Fees- Attachment #2) which will be refundable after the account balance has been kept current for a period of twelve (12) consecutive months. In addition, for a renter account, the member/owner will have no authority over the renter's account unless it becomes delinquent and 90 days from the bill date, after which the LRGPWWA will notify the member/owner and the member/owner will have the authority to close or deactivate the account.
- J. Membership in Default.** When an account balance reaches six (6) months, the membership is deemed to be in default, and collection procedures will be initiated.
- K. Termination of Membership & Liens.** If a member's account is delinquent for twelve (12) months after disconnection of water service, the amount due may be considered uncollectible and the membership shall be cancelled. Water service for **all** accounts associated with the terminated membership will be terminated. The Authority may file a lien against property owned by the member, initiate further collection procedures, and/or use any other available means to collect the amount owed and resolve the default. After a membership is terminated, a request for reconnection shall be subject to payment of all outstanding balances plus a new **membership fee and connection reinstatement fees.**
- L. Water/Sewer Service to the Seriously Ill.** The Authority will not terminate water/sewer service to any residence where a seriously ill person resides provided that:
- i. A letter from a practitioner of the healing arts stating that discontinuance of service will endanger that person's life or health is filed with the

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Authority and such letter is updated and filed with the Authority every **ninety (90) days** thereafter and;

- ii. The Member/Customer enters into a Negotiated Payment Agreement with a monthly payment schedule for the delinquent amount.

5. **BILLING AND PAYMENT FOR CROSS-CONNECTION PREVENTION AND CONTROL POLICY (CCPCP) FEES**

A. Billing of CCPCP Fees.

Fees associated with the CCPCP are detailed in the Schedule of Rates and Fees attached to this Policy. These fees will be billed to the customer annually by invoice, and the charges will not be reflected on water and wastewater service bills.

B. Payment of CCPCP Invoices.

Invoices will be sent at the beginning of the month and will be due within thirty (30) days from the date shown on the invoice. The invoice will become overdue forty-five (45) days from the date shown on the invoice, and the customer's water service will be terminated until it is paid.

6. **SERVICE CONNECTIONS BEYOND THE DISTRIBUTION/COLLECTION SYSTEM/SERVICE AREA**

A. Extension of Water Mains/Sewage Collection Lines for One Individual.

Mains/Collection lines and service lines laid beyond the Authority's existing water/sewer system will **be installed to the Authority's specifications and paid for by the individual applying for Membership**. Individuals are not authorized to add service lines to the water and/or wastewater system. The individual must provide easements to the Authority as needed.

B. Extension of Water Mains/Sewage Collection Lines for a Group of Individuals.

In cases where a group of individuals is applying for membership, the General Manager will consider such extension provided that the cost of such an



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extension does not cause hardship to the Authority's current members. Landowners seeking Membership into the Authority shall provide easements to the Authority as needed.

- C. Extension of Water Mains/Sewage Collection Lines Not Covered Above.** The Board of Directors may enter into special service contracts in cases where the applicant has unusual service requirements. However, in no case will the Authority enter into such a contract before obtaining approval from any funding agency review and approval of the contract from the Authority has indebtedness.

ATTACHMENTS:

1. MEMBER APPLICATION FOR WATER/SEWER SERVICE
2. SCHEDULE OF RATES & FEES
3. ADDITIONAL MINIMUM POLICY
4. WATER USERS AGREEMENT
5. SEWER USERS AGREEMENT
6. RENTER'S APPLICATION FOR SERVICE
7. RENTER'S EXIT FORM
8. REAL ESTATE CONTRACT POLICY, Temporary Application & Exit Statement
9. OWNER ACCOUNT INFORMATION FORM



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10. WATER LEAK ADJUSTMENT POLICY
11. PAYMENT AGREEMENT – DELINQUENT ACCOUNTS
12. PAYMENT AGREEMENT – SERVICE INSTALLATION
13. SERVICE ACTIVATION/DEACTIVATION STATEMENT
14. BILLING ADJUSTMENT REQUEST FORM
15. BULK WATER AGREEMENT
16. CROSS CONNECTION PREVENTION AND CONTROL POLICY