

**NORTH UNIT IRRIGATION DISTRICT
JEFFERSON COUNTY, OREGON
RESOLUTION NO 2024-04**

A Resolution Regarding Delinquent Accounts & Lien Process

FINDINGS:

1. The North Unit Irrigation District established the due date for the Operation and Maintenance Charge, Excess, Crooked River Legal Fund, Account Charge, Construction, Bond, and Safety of Dams for April 15th. The due dates for Equipment Rental and other miscellaneous charges are set for 30 days after first billing. As per ORS 545.496(2) if a charge is not paid when due, interest is charged at the rate of one and one-third percent per month, or fraction of a month, until paid.
2. Delinquent letters are sent to all accounts delinquent as of May 15th. The delinquent letter advises the landowner of interest charges set forth under ORS 545.496, lien provisions set forth under ORS 545.494, and beneficial use of water under ORS 540.610.
3. The policy has been to send out notice of intent to lien and foreclosure when accounts are three years delinquent. Pursuant to ORS 545.494, if any incurred charges remain unpaid beyond the due date the district may file a notice of claim of lien.

NOW THEREFORE, be it resolved by the Board of Directors as follows:

Section 1. Resolution.

1. The District will continue to send delinquent letters to all accounts delinquent as of May 15th each year. A notice of intent to lien will be sent out on delinquent accounts on July 15th, or the first business day thereafter, of each year.
2. If payment is not received within 30 days, a notice of claim of lien will be filed on August 15th, or the first business day thereafter, of each year with the recording officer of the county of each county in which land is situated, pursuant to ORS 545.494.
3. Pursuant to ORS 545.496, the District will withhold delivery of water from any tract of land until the incurred charges for the current year and any prior years, including interest and lien and collection costs and fees, are paid in full. If a notice of claim of lien has been filed under ORS 545.494, the costs of the filing and any costs of removing the lien, including but not limited to recording and filing fees, title search fees and a reasonable administrative fee, shall be charged and collected. The administrative fee is set at \$150 per account.

4. If the lessee has paid the water bill for the landowner, but there is a remaining unrelated charge on the account, the lessee will receive water for the season. However, if the unpaid charge is not paid by April 15th, the aforementioned steps will be implemented up to and including filing a property lien on August 15th. If a charge goes unpaid for longer than one year, the lessee will not receive water, regardless of whether the current water season bill has been paid.

Section 2. Effective Date.

1. This Resolution shall take effect immediately upon adoption by the Board of Directors and replaces and supersedes Resolution No. 2008-15, entitled “A Resolution Regarding Delinquent Accounts & Lien Process,” adopted by the Board of Directors on September 9, 2008.
2. Further, upon adoption of this Resolution by the Board of Directors, if the circumstances in Section 1, Paragraph 4 above were met as of April 9, 2024, such that the lessee had paid the 2024 water bill for the landowner, and the lessee began receiving water despite a remaining unrelated charge on the account, such action to deliver water to the lessee is hereby ratified as if this Resolution had been adopted by the Board of Directors prior to the delivery of water to the lessee.

ADOPTED BY THE BOARD OF DIRECTORS OF NORTH UNIT IRRIGATION DISTRICT
AT A REGULAR MEETING ON THIS 14TH DAY OF MAY 2024, BY THE FOLLOWING
VOTES.

AYES: _____

NAYS: _____

ABSENT: _____

ATTEST:

Michael Kirsch, Board Chairman

Joshua Bailey, Secretary-Manager