

Brownsville Navigation District of Cameron County, Texas

Port Services Collection and Discontinuation Policy



G103



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PORT SERVICES COLLECTION AND DISCONTINUATION POLICY

POLICY STATEMENT

It is the responsibility of the Brownsville Navigation District (District) to represent the best interests of the District's various lessees and taxpayers. In order to fulfill this responsibility, the District has developed this Port Services Collection and Discontinuation Policy which provides fair and consistent collection procedures for all monies due for Port Services.

Additionally, it is the responsibility of the District to discontinue any and all Port Services to those accounts which, in accordance with this policy, are considered delinquent in payment for such services. Through the discontinuance of Port Services, it is the intent of the District to fulfill its obligation to lessees and taxpayers by minimizing uncollectible accounts and it is not intended in any way to bring undue hardship upon any individual or group of individuals.

For purposes of this policy statement, Port Services are defined as those normally billed on the monthly Port service bill to include potable water, sewage, solid waste collection and disposal, fire service connections, and security charges, if applicable.

PORT SERVICES BILLINGS AND COLLECTION POLICY

- A. All billings for active Port Services accounts are rendered monthly.
- B. Port Services billings are due 20 days from the date of issuance. The due date will be indicated on the Port Services Bill.
- C. Port Services billings become delinquent on the day after the due date.
- D. Should a Port Services bill become delinquent, a "Discontinuation of Service Notice" (see attached Exhibit A) will be issued to the user.
- E. Accounts that have delinquent billings for Port Services will be assessed a late fee of \$25.00 for each monthly billing that becomes delinquent.

DISCONTINUATION NOTICE

A "Discontinuation of Service Notice" advises the user that should payment not be received within fifteen (15) calendar days of the date of issuance, Port Services will be discontinued. The user is further advised as to what action he may take to avoid Port Services being discontinued (see Exhibit A for the text of the "Discontinuation of Services Notice").

PROCEDURE TO CONTEST A PORT SERVICES BILL OR DISCONTINUATION OF SERVICES NOTICE

The District provides an Accounts Receivable Supervisor to discuss any questions a user may have regarding his bill. Those who seek clarification of any charge or are concerned about their consumption should direct their inquiries to the Accounts Receivable Supervisor. Those users who are in delinquent status or who have had checks for utility payments returned should contact the Accounts Receivable Supervisor to resolve these matters.

PORT SERVICES COLLECTION AND DISCONTINUATION POLICY

For those who question the accuracy of charges for Port Services or contest the issuance of a “Discontinuation of Services Notice”, there is hereby established an Evidentiary Hearing procedure.

- A. A request for an Evidentiary Hearing to contest a Port Services bill or Discontinuation of Services Notice must be registered with the Accounts Receivable Supervisor. Such request may be made orally or in writing.
- B. A request for an Evidentiary Hearing must be registered before the effective date of any “Discontinuation of Services Notice”.
- C. The Accounts Receivable Supervisor is authorized to work with the user to attempt to reach a resolution of the problem. If the Accounts Receivable Supervisor is unable to do so, the request for an Evidentiary Hearing is to be forwarded to the Port Director and CEO.
- D. Upon receiving a request of an Evidentiary Hearing, the Port Director and CEO will schedule for the user a hearing with a Review Officer within seven (7) calendar days. The Port Director and CEO shall appoint a member of his staff to serve as the Review Officer. See Exhibit B for the complete text of the notice to be sent to the user upon the appointment of a Review Officer. The notice advises the user of the date of the hearing, his right to present evidence and his right to be represented by counsel. Exhibit B is hereby incorporated into this policy.
- E. Port Services will not be discontinued while the Evidentiary Hearing process is underway.
- F. The Review Officer shall keep a written record of the proceedings (Exhibit C) and shall render a written decision within ten (10) calendar days of the hearing.
- G. The action of the District will be dictated by the findings and decision of the Review Officer. If the decision is rendered against the user, the user has an additional five (5) days from the date of issuance of the decision to either honor the bill or to undertake any other legal remedy available to user.

**DISCONTINUATION OF
PORT SERVICES**

- A. Port Services may be discontinued upon appropriate notice for any to the following reasons:
 1. If the Port Services bill has not been paid within fifteen (15) calendar days from the date of issuance of the “Discontinuation of Service Notice”. (The District reserves the right to require payment in cash or cashier’s check).
 2. If the Port Services bill is not contested prior to the effective date of “Discontinuation of Service Notice”.

PORT SERVICES COLLECTION AND DISCONTINUATION POLICY

3. If a payment agreement is not negotiated with the Accounts Receivable Supervisor prior to the effective date of the Discontinuation of Service Notice.
 4. Failure to clear a returned check within five (5) days of notification by the District.
 5. Failure to comply with a payment agreement.
 6. Violation of the District's established Port Services policies or ordinances.
 7. Tampering with the District's meter or equipment.
 8. Where a dangerous condition exists.
- B. Unless the user requests the discontinuation, Port Services will not be discontinued after 12:00 noon immediately preceding a day when personnel of the District are not normally available for making collections or re-establishing services.

**RE-ESTABLISHING
PORT SERVICES**

- A. If a user's Port Services have been discontinued for any reason shown above, a charge to re-establish the user's Port Services will be added to the account and collected with the delinquent bill before service is re-established.
- B. The District will charge \$50.00 for re-establishing services during the District's regular business hours. Port Services will not be re-established outside of the District's regular business hours.
- C. Should unusual circumstances exist in re-establishing service to a user, the District has the authority to charge a fee in accordance with its established policies, tariffs, and ordinances for the expense involved in re-establishing service.
- D. Any invoice for the lease of facilities is subject to the applicable lease contract and the Leasing Policies for collection of the lease rental. However, if such an invoice is unpaid and delinquent under its own terms, it will be considered along with all other invoices for the purpose of this policy. Therefore, the District shall have no obligation to restore Port Service(s) until the user pays all charges owed to the District by the user, including without limitation all current and past-due rent, or makes satisfactory arrangement for the payment thereof.

Exhibit A: Discontinuation of Service Notice

Exhibit B: Evidentiary Hearing Procedure

Exhibit C: Evidentiary Hearing Forms

PORT SERVICES COLLECTION AND DISCONTINUATION POLICY
EXHIBIT A – DISCONTINUATION OF SERVICE NOTICE

The following statement will be printed on the front of the Discontinuation of Service Notice:

“As of [Issue Date] payment in full has not been received on this account. If payment in full has not been received by [Deadline Date=Issue Date+15] the account is subject to cutoff on or after [Cutoff Date=Deadline Date+1] without further notice. A Late Fee of \$25 has been included.

Prior to discontinuation, you have a right to a hearing to protest the proposed discontinuation. To set a hearing, please call (956) 838-7026.”

The following statement will be printed on the back of the Discontinuation of Service Notice

(This notice is not intended to offend but to provide proper notice.)

To avoid your Port Services from being discontinued you may:

Pay the outstanding bill in full before the discontinuation date.

-OR-

Contact the Utility Accounts Receivable Supervisor prior to the Discontinuation date to discuss payment arrangements.

1000 Foust Road

Monday through Friday

8:00 A.M. – 5:00 P.M.

(956) 831-4592 - Administration Office Main Number

(956) 838-7026 – Accounts Receivable Supervisor Direct Line

IF THIS NOTICE HAS BEEN ISSUED TO YOU IN ERROR, IF YOU CONTEST THIS ACTION, OR IF PAYMENT HAS BEEN RENDERED

Please contact the Utility Accounts Receivable Supervisor immediately.

PORT SERVICES COLLECTION AND DISCONTINUATION POLICY
EXHIBIT B – HEARING PROCEDURE

BROWNSVILLE NAVIGATION DISTRICT
1000 FOUST ROAD
BROWNSVILLE, TEXAS 78521

You have requested a hearing by the Brownsville Navigation District on the question of your obligation to pay the amount due or past due indicated on your Port Services bill.

This is to advise you that _____ has been designated the Review Officer to hear your complaint. Your hearing is set for _____ o'clock _____ m., _____, 20_____, at the Administration Office of the Brownsville Navigation District, located at 1000 Foust Road.

Failure to appear will result in your complaint being dismissed. Should full payment not be received in accordance with the Brownsville Navigation District's policy, your Port Services will be discontinued.

HEARING PROCEDURE

You have the right to inspect all records regarding your account at the Brownsville Navigation District's Office during normal business hours at any time prior to your hearing. You have the right to question the Brownsville Navigation District's records and may present your own evidence or that of your witness(es) orally or in writing.

YOU MAY BE REPRESENTED BY AN ATTORNEY IF YOU SO CHOOSE. YOUR PORT SERVICES WILL NOT BE DISCONTINUED WHILE THE ABOVE HEARING IS PENDING AND THE DECISION OF THE REVIEW OFFICE WILL BE RENDERED UPON COMPLETION OF THE HEARING OR AS SOON AS PRACTICABLE AFTER THE HEARING AND WILL BE CONFIRMED IN WRITING TO YOU.

IF THE DECISION IS RENDERED AGAINST YOU, AN ADDITIONAL FIVE (5) DAYS WILL BE GRANTED FOR YOU TO EITHER HONOR THE BILL OR TO UNDERTAKE ANY OTHER LEGAL REMEDY AVAILABLE TO YOU BEFORE THE DISCONTINUATION OF PORT SERVICES.

Very truly yours,

Title

Amount Past Due:
Account Number:
Service Address:

PORT SERVICES COLLECTION AND DISCONTINUATION POLICY
EXHIBIT C – HEARING FORMS

BROWNSVILLE NAVIGATION DISTRICT
1000 FOUST ROAD
BROWNSVILLE, TEXAS 78521

REVIEW OFFICER EVIDENTIARY HEARING FORM

1. User's Name: _____
Address: _____
Account Number: _____
2. Review Office: _____
3. Date, Time and Place of Hearing: _____

4. Persons Present:
 - A. Navigation District: _____

 - B. User: _____

TO BE READ ALOUD BEFORE PROCEDURE BEGINS

5. Purpose of Hearing: To determine if the amount due as indicated by the user's Discontinuation Notice is correct and owing by the user.
6. Procedure: This is an informal hearing and all relevant material and testimony shall be considered. Navigation District's representative(s) will first present appropriate records and evidence in support of the amount and non-payment of the user's utility bill. The user and his representative or attorney shall have the right to examine the records presented by the Navigation District and ask questions of the Navigation District's representative(s). The user and his representative or attorney may present any evidence on the user's behalf, and the Navigation District representative(s) have the right to review such evidence and ask questions. The hearing officer shall review the evidence and has the right to ask questions of both parties.

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EXHIBIT C – HEARING FORMS

7. Evidence:

A. Brownsville Navigation District: (records/documents presented – list and identify):

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

B. User: (records/documents presented – list and identify):

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

8. Decision of Review Officer:

Review Officer: _____

Copy of Decision received this _____ day of _____, 20____

User: _____

NOTICE: IF THE DECISION IS RENDERED AGAINST THE USER, USER HAS AN ADDITIONAL FIVE (5) DAYS FROM THE DATE OF ISSUANCE OF THE DECISION TO EITHER HONOR THE BILL OR TO UNDERTAKE ANY OTHER LEGAL REMEDY AVAILABLE TO USER.