

ORDINANCE NO. 2001-1

AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE
ARMONA COMMUNITY SERVICES DISTRICT
ESTABLISHING
BILLING AND COLLECTION PROCEDURES
AND
PROCEDURES
FOR
DISCONNECTING AND RE-CONNECTING SERVICE
FOR NON-PAYMENT OF CHARGES

The Board of Directors of the Armona Community Services District does hereby find:

WHEREAS, the Armona Community Services District ("District") is a California community services district existing under the provisions of the California Community Services District Law, which is set out in the California Government Code at Sections 61000 through 61800, inclusive, of said Code; and

WHEREAS, the District is not a public utility subject to the provisions of the California Public Utilities Code; and

WHEREAS, the District is not subject to the jurisdiction of the California Public Utilities Commission; and

WHEREAS, the District is not a "municipal corporation," as the term "municipal corporation" is used in California Public Utilities Code Section 10009.6; and

WHEREAS, the District is not subject to the provisions of California Public Utilities Code Section 10009.6; and

WHEREAS, the Community Services District Law provides, at Government Code Section 61621, that the District may provide for the collection of charges and that the remedies for the collection and enforcement of charges are cumulative and may be pursued alternatively or consecutively by the District; and

WHEREAS, it is in the interests of the District and the citizens of the District that the District establish procedures for the enforcement and collection of unpaid charges.

NOW, THEREFORE, the Board of Directors of the Armona Community Services District does hereby enact as follows:

Section 1. Repeal. The following Ordinances and designated portions or sections of Ordinances are hereby repealed in their entirety: Section 5 of Ordinance No. 1981-2, Ordinance No. 1986-1 (Amended), Section 10 of Ordinance No. 1986-4, Ordinance No. 1990-1, and Ordinance No. 1999-1.

Section 2. Definitions. As used in this Ordinance, the following terms shall have the following definitions:

- (a) "Patron" shall mean the occupier of property or the person in whose name the property is furnished water and sewer service by the District.
- (b) "Day" shall mean calendar day.
- (c) "Billing Month" shall mean the calendar month in which a bill is sent.

Section 3. Procedure for Imposition of Late Charges. The billings for water, sewer, solid waste, street lighting and other services of the Armona Community Services District shall be mailed monthly on or before the fifth (5th) day of each month and shall be due and payable not later than the twentieth (20th) day of that month. If the bill is not paid by the 20th day of the billing month, a penalty charge of 10% shall be automatically added to the bill and shall become a part thereof. If the bill has not been paid by the 15th day of the month following the billing month, the service of water and/or sewer services to the premises shall be subject to disconnection pursuant to this Ordinance. Disconnection procedures shall be initiated by a notice to the Patron specifying that unless payment is forthcoming for the delinquent bill, service will be disconnected on the date specified in said notice, which date shall not be earlier than 5 days following the date of mailing of the Notice of Intent to Disconnect (3 days, if personally served). The Notice shall contain the information set forth in Section 4.

Section 4. Content of Notice of Intent to Disconnect.

- (a) The name and address of the Patron whose account is delinquent.
- (b) The amount of the delinquency.
- (c) The date by which payment or arrangements for payments are required in order to avoid disconnection.
- (d) A statement that if the Patron chooses to question the delinquent bill he or she may request a hearing, in accordance with sub-Sections 4(f) and 4(g) of this Ordinance, no later than the date set for the disconnection.
- (e) The Patron shall be notified that if he or she can provide a certification of a licensed physician or surgeon that a disconnection of service would present

a life-threatening circumstance to the Patron or other person residing within the premises, and the Patron is financially unable to pay for services within the normal payment period, the delinquent portion of the bill may be amortized over a reasonable period of time, on written application to the Board of Directors.

- (f) The Notice shall also state that the Board is willing to consider requests for amortizing a delinquency over some reasonable period of time in cases of extreme hardship other than those which might be life threatening. Anyone seeking to question a bill or requesting an opportunity to amortize it may serve written notice on the District requesting an appearance before the Board at the next regularly scheduled monthly meeting, the date of which shall be set forth in the Notice.
- (g) The Notice shall provide that the request for a hearing before the Board must be actually delivered in writing to, and a receipt of such delivery obtained from, the District office or the Board Chairman not later than the date of intended disconnection specified in the Notice, and that if such a request is presented, no disconnection shall take place until 5 days after the next regularly scheduled meeting of the Board of Directors of the District.
- (h) The Notice shall contain the telephone number of the District and the name of the District official authorized to provide additional information concerning the delinquency.
- (i) The Notice shall inform the Patron that after the disconnection of service, there will be a re-connection charge of \$45.00 to re-connect for water service between 8:00 a.m. and 5:00 p.m., and that if the re-connection is requested at a time of day other than between 8:00 a.m. and 5:00 p.m., the re-connection charge will be \$90.00.
- (j) The Notice shall contain a warning that tampering with the service connection to effect unauthorized re-connection, including breaking locking tabs on water valves, is a criminal offense, and that if any damage is done to District facilities, the Patron will be required to pay for any such damages prior to the re-connection of service, and may be subject to possible criminal liability.
- (k) The Notice shall also advise the Patron that if the service lateral is not equipped with a lockable valve in order to effect the disconnection of service, one will be installed at the Patron's expense and that the minimum charge for this installation will be \$50.00 plus cost of materials, which must be paid in addition to the re-connection fee, before service will be resumed.

Section 5. Disconnection Procedure. If the Patron fails to pay the delinquent account balance by the date specified in the Notice or fails to file a written request for a hearing pursuant to the terms of this Ordinance before the Board prior to said date specified in the Notice, service may thereafter be disconnected on a 48-hours' notice to a responsible adult at the service location by either personal or telephonic contact from the District. If contact with a responsible adult cannot be achieved within 48 hours of the intended disconnection, a Notice containing the information provided for in the aforesaid Notice of Intent to Disconnect shall be posted in a prominent place at the location where the service is to be disconnected, and such Notice shall be posted for not less than 48 hours prior to the actual severance of service.

Section 6. Re-connection Charge. There shall be a re-connection charge of \$45.00 for water and/or sewer service to any Patron after a disconnection pursuant to this Ordinance, which said charge shall be in addition to the payment of any then delinquent charges for water and/or sewer services rendered prior to the date of the disconnection and any charge for the installation of a lockable valve or other device required to effect the disconnection. If the re-connection of service is requested to be accomplished earlier than 8:00 a.m. or later than 5:00 p.m. in any day, the re-connection charge shall be \$90.00. In addition to payment of the aforesaid amounts, a Patron requesting re-connection after a disconnect pursuant to this Ordinance shall be required to post a deposit in accordance with Section 7 hereof governing deposits for new accounts.

Section 7. Deposits for New Accounts. All new accounts opened after the date of adoption of this Ordinance shall require a deposit in the amount of twice the District-wide average monthly residential billing.

Section 8. Procedure Not Exclusive. This Ordinance and the procedures herein contained shall be in addition to such other legal processes and procedures for the collection of delinquent accounts, including but not limited to, procedures for the collection of delinquent charges in the manner of an unpaid tax assessment.

Section 9. Returned Checks. Upon receipt of returned checks, the account of the Patron tendering the returned check shall be deemed delinquent, and the District shall forthwith implement the procedures established in this Ordinance, with all time periods calculated as of the date the Notice provided for in Section 4 above was mailed or personally served on the Patron. In addition to all other applicable charges, \$25.00 shall be due and payable upon re-connection to service in order to pay the District's returned check charge.

WHEREFORE, this Ordinance is passed and adopted by the Board of Directors of the Armona Community Services District on September 12, 2001, by the following vote:

AYES: Directors Bittner, Maciel, Brautigam, and Plooy

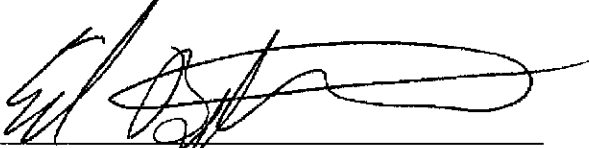
NOES: -0-

ABSENT: Director Danielson

ABSTAIN: -0-

ARMONA COMMUNITY SERVICES DISTRICT

By:


ED BITTNER, Chairman of the Board of
Directors

ATTEST:


JAMES MACIEL, SECRETARY

CERTIFICATE OF SECRETARY

I, James Maciel, the duly appointed and acting Secretary of the Board of Directors of the Armona Community Services District, declare that the foregoing Ordinance was passed and adopted at a Regular Meeting of the Board of Directors of the Armona Community Services District on September 12, 2001.

[DISTRICT SEAL]

DATED: September 12, 2001.


JAMES MACIEL, SECRETARY

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