RESOLUTION NO. 2016-4

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ARMONA COMMUNITY SERVICES DISTRICT ADOPTING POLICY FOR READING WATER METERS WHERE ACCESS TO METER IS PHYSICALLY BLOCKED

The Board of Directors of the Armona Community Services District ("District") does hereby find and determine:

A. WHEREAS, the District is a California community services district formed and existing under the provisions of the California Community Services District Law, codified at Government Code §§ 61000 et seq., and all acts and laws amendatory thereof or supplementary thereto, and possessing all of the powers thereof; and

B. WHEREAS, the District provides potable water to the residents in its service area; and

C. WHEREAS, all of the service connections in the District are metered and all meters are read manually or electronically each month for billing for the previous month's consumption of water provided by the District to each service connection; and

D. WHEREAS, the water rates charged by the District are metered rates based on actual usage as recorded by the water meter at each service connection; and

E. WHEREAS, accurate billing for water usage requires physical access to the meter box and water meter therein, to read the meters manually or by touch read; and

F. WHEREAS, some District customers block access to their and/or others' water meters by parking vehicles over the meter boxes, or placing other objects on the meter box lid, or using other methods of blocking and preventing the water meter from being read and water usage recorded and billed; and

G. WHEREAS, blocking meter boxes and/or meters and preventing reading of meters is in violation of Penal Code § 498(b)(3), which prohibits tampering with any property owned by or used by the District to provide water service; and

H. WHEREAS, tampering with any property owned by or used by the District to provide water service constitutes a public nuisance under Civil Code §§ 3479 and 3480; and

I. WHEREAS, pursuant to Government Code § 61064(a) violation of any rule, regulation, or ordinance adopted by the District Board is a misdemeanor punishable pursuant to Penal Code § 19; and

J. WHEREAS, pursuant to Government Code § 61069(b), the District has the power to abate a public nuisance either with or without notice.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE ARMONA COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

SECTION 1. Blocking of meter boxes so as to prevent reading of the water meter therein is hereby declared to be a public nuisance.

SECTION 2. Upon discovery that a meter box is blocked so as to prevent reading the water meter therein, the District may, but is not required, to give written notice to the meter service address that upon failure to remove the vehicle or other object causing the blockage within two days of receipt of the notice, the vehicle or other object causing the blockage will thereafter be removed by the District and all expenses of removal debited to the account of the meter in question.

SECTION 3. Notice pursuant to section 2 is not required where such notice is not practicable, including, but not limited to, situations were an immediate need exists to stop a water leak, or where time does not permit such notice because a meter must be timely read for the bill for the connection to accurately reflect the rate then in effect for the amount of water that passed through the meter.

SECTION 4. The service address of the blocked meter shall bear all costs of removing the blockage, including but not limited to, actual costs of a tow truck, locksmith or other service to displace the vehicle or other object from physically blocking the meter box or access to the meter, plus a $100.00 administrative charge to cover the District's administrative costs of abating the nuisance caused by blocking the meter box. The charges shall be billed to the blocked meter address at the next billing cycle. If the meter blockage required water shut off, all money due, plus the towing bill, or other costs of removing the blockage, and administrative fee shall be paid in full prior to re-establishing service. The blocked meter account will not be eligible for a payment arrangement.

SECTION 5. This measure enters into force immediately upon its adoption.

WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Armona Community Services District on November 8, 2016, by the following vote:

AYES:	Dillon, Maciel, Vanegas, Camacho, Bittner
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

JAMES MACIEL, PRESIDENT,
BOARD OF DIRECTORS

ATTEST:

CANDIDA VANEGAS, SECRETARY

CERTIFICATE OF SECRETARY

I, Candida Vanegas, the duly appointed and acting Secretary of the Board of Directors of the Armona Community Services District, do hereby declare that the foregoing is a true and complete copy of a Resolution that was duly passed and adopted at a Regular Meeting of the Board of Directors of the Armona Community Services District, duly called and held at the Armona Community Center located at 11115 "C" Street, Armona, CA 93202, on November 8, 2016.

DATED: November 16, 2016.

CANDIDA VANEGAS, SECRETARY