

ORDINANCE NO: 2024 - A

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE PLUMAS EUREKA COMMUNITY SERVICES DISTRICT AMENDING CHAPTER 3.01 OF THE PLUMAS EUREKA COMMUNITY SERVICES DISTRICT'S BILLING POLICY ORDINANCE RELATED TO FEES, RATES AND CHARGES

WHEREAS, the Plumas Eureka Community Services District ("District") provides water, sewer and fire protection services within its jurisdiction; and

WHEREAS, the District's Board of Directors is empowered by various laws to adopt and impose fees, rates and charges and provide for the collection of unpaid fees, rates and charges; and

WHEREAS, the District's voters approved a special tax to fund fire protection services and provided that that the tax would be collected in the same manner as District charges; and

WHEREAS, the District's Board of Directors previously adopted Ordinance Nos. 2021-87C, 2018-C, and 2012-87 which established and revised procedures related to the collection of fees, rates, and charges; and

WHEREAS, the Board of Directors wishes to amend selection provisions of the billing collection provisions of Chapter 3.01 of the District's Billing Policy Ordinance (hereinafter referred to as "Chapter 3.01").

The Board of Directors of the Plumas Eureka Community Services District ordains as follows:

Section 1. The Board of Directors of the District hereby finds and determines that the foregoing Recitals are true and correct and herein incorporated by this reference.

Section 2. The Board of Directors hereby adopts the revisions to Chapter 3.01 of the District's Billing Policy Ordinance as set forth herein.

Section 3. This Ordinance shall supersede all other previous ordinances of the Board of Directors of the District that conflict with, or are contrary to, this Ordinance. Except as expressly amended hereby all provisions of Chapter 3.01 shall remain in full force and effect.

Section 4. Chapter 3.01 of the Plumas Eureka Community Services District Billing Policy Ordinance is hereby amended to read in full as follows:

Sections:

- 3.01.00 Definitions
- 3.01.10 Repeal
- 3.01.20 General Provisions
- 3.01.25 Water Standby Charges
- 3.01.30 Multiple Dwelling Units
- 3.01.40 Description of Services and Billing Procedures
- 3.01.41 Billing Procedures
- 3.01.42 Payment Agreements
- 3.01.50 Discontinuing Services(s) for Non-Payment
- 3.01.65 Tapping or Connections - District permission required
- 3.01.70 Collection Methods
- 3.01.75 Reconnection of Services
- 3.01.80 Days and Hours Restrictions on Termination
- 3.01.90 Schedule of Fees, Rates and Charges

Section 3.01.00. Definitions.

Dwelling unit -"Dwelling Unit" shall mean a building with separate access, which provides for sleeping, cooking, eating, and sanitation for one family.

Family – "Family" shall mean a person or persons living as an economic unit.

Section 3.01.10. Repeal

All rates, fees and charges for water, sewer, and fire services prescribed and set forth in all previously adopted ordinances, resolutions and orders by the District are hereby superseded.

Section 3.01.20. General Provisions

The Board of Directors shall review the District's rate structure each year, prior to the approval of the Fiscal Year Budget. The Board is to assure solvency and compliance with outstanding contractual obligations relating to services.

Section 3.01.25. Water Standby Charges

A standby charge shall be charged and collected from the owners of all vacant lots in the District. The amount of the charge shall be as set forth in Section 3.01.90.

Section 3.01.30 Multiple Dwelling Units

With the exception of special taxes which shall be imposed on a per parcel basis, parcels containing multiple dwelling units shall be charged fees as set forth in this section. The primary dwelling unit will be charged 100% of the scheduled fees prescribed by Section 3.01.90. Each additional dwelling unit located on the parcel shall be charged 50% of the scheduled fees prescribed by Section 3.01.90 as a separate dwelling unit regardless if they share a common water and/or sewer service connection. The General Manager shall determine when a parcel contains a multiple dwelling unit.

Section 3.01.40. Description of Services and Billing Procedures

The District charges fees for water, sewer, and fire protection services. The District also charges a tax for overall fire protection. The amount charged for fee services in the District is determined by the location of the property, the service provided, and the development status of a property. Fees for operation and maintenance services are greater for developed properties than for undeveloped properties. Fees for capital reserves and debt service are the same for all properties.

- (a) The District recognizes three development units for purposes of fees and taxes: Plumas Eureka Estates, Eureka Springs, and the Village at Plumas Pines.
- (b) Properties in the Eureka Springs Development and the Village at Plumas Pines Development are charged in accordance with development agreements and may have higher or additional charges for sewer and emergency service.
- (c) Fees are charged for water system operation and maintenance, water capital reserve for major improvements to the system, and water system related debt service. Water fees are calculated according to the size of the water connection. The District has rates for ¾ inch, one-inch, and two-inch connections. Water service is not metered.
- (d) Fees are charged for sewer system operation and maintenance, sewer system capital improvements, and sewer system related debt service. Properties that are served by a

septic system on the property, do not otherwise receive sewer service from the District, and are not within 200 feet of an existing sewer main are not charged sewer related fees.

- (e) Fees are charged for fire and emergency response (fire and medical) services and capital improvements. A fire protection tax is charged to all properties.
- (f) Fees for all services and any applicable cost-of-living adjustments are determined annually and approved at the Regular Board meeting in June of each year.

Section 3.01.41. Billing Procedure

The property owner listed on Plumas County Tax Records is considered the party responsible for payment of all service fees and taxes.

- (a) The District will maintain a system of customer accounts for invoicing customers, tracking balances, and notifying customers.
- (b) The District shall send invoices for fees and taxes quarterly, in July, October, January, and April. All charges for services and facilities shall be listed on one invoice and collected together (See Government Code section 61115).
- (c) All or part of the amount charged must be paid within 90 days of the date of an invoice. The obligations may be paid monthly, but the entire balance must be paid quarterly. All accounts must be paid in full within ninety (90) days of the mailing date of each invoice, or by the succeeding invoicing date.
- (d) Pursuant to the provisions of Government Code Section 61115, the District adds a penalty late fee of 10% to any account with a balance owed on the first day of the subsequent month after due date.
- (e) The District charges ongoing monthly penalties of 1% per month to any previous unpaid invoice on the first day of each subsequent month for which there is an outstanding balance.
- (f) Failure to pay the entire outstanding balance listed on a past due invoice within thirty (30) days of the mailing date of the Past Due Invoice will be considered a default on the account and water shut off procedures will be implemented as per Section 3.01.50.
- (g) Past Due Invoice shall include information to allow customers to:
 - 1. Arrange to make deferred or reduced payments;
 - 2. Establish alternative payment schedules;
 - 3. File a complaint or requesting an investigation regarding service charges;
 - 4. Requesting information regarding financial assistance; and
 - 5. Contact District employee or representative to discuss options to avoid service disconnection due to non-payment. Additionally, customers may contact the District by telephone at (530) 836-1953.
- (h) The District shall provide access to account information on a secured website or upon request.
- (i) At the discretion of the Administrative Manager, one (1) late fee may be waived if no other late fees have been waived within the three (3) years prior to the fee being waived.

Section 3.01.42. Payment Agreements

In lieu of discontinuing service for non-payment of fees, upon the customer's request, District may enter into a Payment Agreement with a customer. At the time of such request all contact information for the customer must be verified.

(a) All Payment Agreements shall be restricted to the following:

1. The start of any new Payment Agreement must be three (3) years after the start of any prior Payment Agreement, or two (2) years after the completion of any prior Payment Agreement, whichever is later.
2. Payment Agreements shall **not** include terms for a duration longer than 12 months.
3. Payment of all known fees, delinquent or current, and any fees that will become due during the time of the agreement, including any late fees or other fees that are not mentioned herein, must be accounted for within the duration of the agreement.
4. If a fee, other than the standard fees, occurs after the agreement is initiated, the additional fee or charge must also be paid prior to the conclusion of the terms of the agreement.
5. If any fee is inadvertently not addressed in the agreement, the customer is to be notified immediately upon discovery and said agreement shall be corrected to include said fee or charge.
 - a. If the mistake is less than 25% of the original Agreement total the terms are not to be extended.
 - b. If the mistake is 25% or more of the original Agreement total then the terms may be extended by two (2) months.
6. There shall be a clear statement of how much each payment will be and when payments are to be remitted within each month. (i.e. "Payments of \$200 shall be due no later than the 10th of each month.") The payment terms shall be decided on a case by case basis and shall comply with all requirements set forth in this Ordinance.
7. Payment amounts may vary from month to month within the Payment Agreement if the Agreement remains within the requirements stated herein. Under no circumstances shall the amount to be remitted be less than \$50 within one calendar month. In such cases the agreement shall include a clear payment schedule.

(b) Late Fees

At the time a Payment Agreement is signed, as long as the agreement is in "good standing" as defined herein, and for the duration of the agreement, all late fees will be waived. Late Fees charged to the account prior to the signing of the Payment Agreement will not be waived. For a Payment Agreement to be

considered in "good standing" the agreed upon payments must be received prior to, but no later than the agreed upon dates.

(c) Agreement Default

If a customer is no longer in "good standing," as described in (b), the agreement will be considered in default.

If the customer has defaulted on the Payment Agreement, a reminder notice will be posted on the property and a copy mailed to the customer. The notice shall state that the Payment Agreement is no longer in "good standing" and is at risk of the Agreement becoming void, in which case services may be terminated.

If the Payment Agreement is sixty (60) days delinquent:

1. A Notice of Intent to Shut Off Service, including a Firm Shut Off Date five (5) business days after the date of this notice, shall be posted on the property and a copy mailed via standard mail.
2. If delinquent portion of all outstanding payments are not received before the stated shut off date, service to the property will be shut off.
3. Billing for services will continue whether or not service is terminated.
4. When an account has not been paid for one (1) month past the default of the agreement a Late Fee of 10% of all amounts outstanding and delinquent will be levied on the account. Every month thereafter interest of 1% of all amounts outstanding and delinquent will be charged. The 1% interest will continue monthly until all fees have been paid.

Section 3.01.50. Discontinuing Service(s) for Non-Payment

Subject to the specifically enumerated circumstances set forth in Health and Safety Code section 116910(a), the District may discontinue service for non-payment fees or for the violation of Section 3.01.65. In the case of non-payment of service fees, the following procedure shall be followed.

- (a) If payment has not been received within thirty (30) days after the mailing date of the Past Due Invoice, a First Notice of Intent to Shut Off Service, including a Firm Shut Off Date forty-five (45) days after the date of this notice, shall be sent by Certified Mail.

For residential service only: If the address of record is not the service address, the District shall post an additional notice addressed to "Occupant," at the property where service is received. The notice will include:

1. Customer's name and address.
2. The amount of the delinquency.
3. The date by which payment or arrangement for payment is required in order to avoid discontinuation of residential service.
4. A description of the process to apply for an extension of time to pay the

delinquent charges.

5. A description of the procedure to petition for bill review and appeal of the invoice associated with the delinquency.
 6. Description of the procedure by which the customer can request a deferred, amortized, reduced or alternative payment schedule.
- (b) If payment has not been received within thirty (30) days from the mailing date of the First Notice of Intent to Shut Off Service, and at least fifteen (15) days prior to the Firm Shut Off Date, a Second Notice of Intent to Shut Off Service shall be mailed by Certified Mail, Return Receipt Requested. Additionally, a copy of the Second Notice shall be posted on the property.

In the event of a Landlord-Tenant Scenario, the notice posted on the property shall be an "Occupant Notice" which shall inform the tenants/occupants that they have a right to become customers to whom the services will be billed. In the event that the tenant/occupant does choose to open an account in their own name, any and all unpaid fees and taxes will remain attached to the property and the ultimate responsibility of the owner. Furthermore, any and all delinquent amounts associated with the property, at the time of a tenant/occupant account being initiated, will not be the responsibility of the tenant/occupant, but will remain the sole responsibility of the property owner and collection procedures (other than termination of services) will continue on said amounts.

- (c) If payment is not received within thirteen (13) days from the mailing date of the Second Notice of intent to Shut Off Service, and at least forty-eight (48) hours prior to the Firm Shut Off Date, a Final Notice to Shut Off Service shall be posted on the property. Additionally, a copy of the Final Notice shall be mailed via standard mail.
- (d) If full payment is not received within forty-eight (48) hours, service to the property will be shut off.
- (e) Billing for services will continue whether or not service is terminated.

Section 3.01.65. Tapping or Connections - District permission required

No person shall tap, open valves and hydrants, or connect with any water main or pipe which forms any part of the system of the waterworks of the District, without first notifying and obtaining written permission to do so from the General Manager, who shall issue no such permit to or for any person or firm whose indebtedness to the District for water or other charges is delinquent. Remedying a violation of this section shall be subject to a fee as set forth in Section 3.01.90. Moreover, pursuant to Government Code section 61064 and, any violation of this section shall be a misdemeanor punishable pursuant to Section 19 of the Penal Code.

Section 3.01.70. Collection Methods

If payment is not received within three hundred and sixty (360) days of the mailing date of the Past Due Notice, the District may employ any and all legal methods to collect outstanding debts to include recording certificates specifying the amount(s) due and recording of which constitutes a lien.

Section 3.01.75. Reconnection of Service

Services shall be eligible for reconnection, when shut off for non-payment, only when all delinquent amounts are paid in full. Once the account is brought current, reconnection will be scheduled upon payment of the Reconnection fee, as set in the attached Attachment "A".

Section 3.01.80. Days and Hours Restrictions on Termination

The District shall not, by reason of delinquency in payment for any services, cause cessation of the services on any Saturday, Sunday, Legal Holiday, or at any time during which the business offices of the District are not open to the Public.

Section 3.01.90. Schedule of Fees, Rates, and Charges.

The fees, rates and charges set forth in this ordinance shall be imposed as set forth in the attached Attachment "A". This attachment may be amended or modified by ordinance or resolution.

Section 5. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The Board of Directors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 6. The Clerk of the Board of Directors shall certify to the adoption of this Ordinance and shall post or publish this Ordinance as required by law.

Section 7. This Amended Ordinance shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption.

Section 8. Within fifteen (15) days after its adoption, the Secretary of the Board of Directors of the District shall cause this Ordinance to be posted and published in accordance with California Government Code sections 61060(a) and 25124.

Section 9. A full reading of this Ordinance is hereby waived. This Ordinance was introduced and first read at a regular meeting of the District Board of Directors of the District on April 16, 2024, and thereafter passed, approved, and adopted at a regular meeting of the District Board of Directors held on the 16th day of April, 2024, by the following vote:

AYES: *Todd Solomon, Rich Machado, Jeff Glick*

NOES: *0*

ABSTAIN: *0*

ABSENT: *Don Fregulia, Kim Train*

I hereby certify that the foregoing is a true and correct copy of Ordinance 2024-A adopted by the Board of Directors at the Board Meeting held on the 16th day of April, 2024.

Gina-Marie L. Morris

Gina-Marie Morris, Clerk to the Board