

ORDINANCE NO: 2021 –87 C

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE PLUMAS EUREKA COMMUNITY SERVICES DISTRICT AMENDING ORDINANCE NO. 2012-87 RELATED TO FEES, RATES AND CHARGES

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

WHEREAS, the 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 Board of Directors wishes to amend the billing collection provisions of Ordinance No. 2012-87 to provide for a quarterly billing period rather than biannual, clarifying how various services provided by the District are demarcated on such billing statements, and increase fees associated with processing late payments. This amended ordinance is otherwise consistent with the language, purpose, and intent of Ordinance No. 2012-87C, and the remainder of the language of the Ordinance has been left intact.

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

Section 1. Chapter 3.01 of the Plumas Eureka Community Services District Billing Policy Ordinance is hereby amended to read in full as follows:

Sections:

- 3.01.10 Repeal
- 3.01.20 General Provisions
- 3.01.30 Multiple Dwelling Units
- 3.01.40 Description of Services, Fees, and Taxes
- 3.01.41 Billing Procedures
- 3.01.50 Procedure Prior to Discontinuing Service(s)
- 3.01.60 Basic Penalties
- 3.01.65 Tapping or Connections - District permission required
- 3.01.70 Collection Methods
- 3.01.80 Days and Hours Restrictions on Termination
- 3.01.90 Schedule of Fees, Rates and Charges

Section 3.01.10. Repeal

All sections, 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prescribed and set forth in all previously adopted ordinances, resolutions and orders by the District are hereby superseded.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 fees and taxes each year, prior to the approval of the Fiscal Year Budget. The Board of Directors ~~shall adjust all rates and charges~~ shall take actions necessary to assure solvency and compliance with outstanding contractual obligations relating to services.

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 even if there is 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, Fees and Taxes

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 (Gov't Code 61115).
- (c) All or part of the amount charged must be paid within 30 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) If not paid within 90 days of date of an invoice, an account will be considered past due, at which time a Past Due Notice shall be sent. Failure to pay any portion of the invoice within thirty (30) days of the mailing date of the Past Due Notice will be considered a default on the account and water shut off procedures will be implemented as per Section 3.01.50.
- (a) Past Due Notice shall include information regarding the following subjects:
 - 1. Arranging to make payments.
 - 2. Filing a complaint or requesting an investigation regarding service charges.
 - 3. Requesting information regarding financial assistance.
- (e) The District shall provide access to account information on a secured website or upon request.

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

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 Notice, a First Notice of Intent to Shut Off Service shall be sent by Certified Mail, Return Receipt Requested. A fee of \$35.00 shall be charged to the delinquent account in connection with this Notice.

- (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, a Second Notice of Intent to Shut Off Service shall be mailed and a fee of \$35.00 shall be charged as prescribed in paragraph (a). Additionally, a copy of the Second Notice shall be posted on the property.
- (c) If payment is not received within fifteen (15) days from the mailing date of the Second Notice of intent to Shut Off Service, a Final Notice to Shut Off Service shall be mailed and a fee of \$35.00 shall be charged as prescribed in paragraph (a). Additionally, a copy of the Final Notice shall be posted on the property.
- (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 3.01.60. Basic Penalties

Pursuant to the provisions of Government Code Section 61115, if payment is not ~~timely~~ received by the date of the Second Notice of Intent to Shut Off Service, a late charge of 10% of the amount outstanding during the ninety (90) day period will be charged to the account. After one hundred and eighty (180) days, interest of 1% of the amount outstanding, including the late charges and fees, during the ninety (90) day period will be charged. This will continue monthly until all fees have been paid.

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, any violation of this section shall be a misdemeanor.

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 3.01.80. 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 3.03.00. 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 3.04.00. Severability

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 4. 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 5. 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.

THIS ORDINANCE WAS INTRODUCED ON APRIL 14, 2021
AND ADOPTED ON THIS THE DAY OF , BY THE FOLLOWING VOTE OF THE
PLUMAS EUREKA BOARD OF DIRECTORS;

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

I hereby certify that the foregoing is a true and correct copy of Ordinance #2021– 87C adopted by the Board of Directors at the Board Meeting held on_____.

Jillian Cole, Clerk to the Board

Billing and Non-Payment Procedure

Quarterly

- Initial bills are sent out on the 15th day of the month quarterly, starting in July.

15 days after Disconnect Notice 2

- If total is still not settled or arrangement made, **48 HOUR NOTICE** will be posted at property address and forwarded to customer

90 days after bill is sent

- Total amount of bill must be paid or contact for payment arrangements initiated.
- If total is not paid or arrangements made **LATE NOTICE** will be sent.

48 hours after Notice posted

- If total is still not settled or arrangement made, service will be terminated.
- **10% LATE FEE** will be levied and **1% MONTHLY INTEREST FEE** will begin.
- Billing for services will continue even after service disconnect.

30 days after Late Notice

- If total has still not been settled or arrangement made, **DISCONNECT NOTICE 1** will be sent via certified mail, and the **LATE FEE** will be levied.

365 days after initial bill

- If total is still not settled or arrangement made, **LIEN** procedures will be initiated and a **LIEN** will be placed against the property address.

30 days after Disconnect Notice

- If total is still not settled or arrangement made, **DISCONNECT NOTICE 2** will be sent via certified mail, and the **LATE FEE** will be levied.



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Memorandum

ATTORNEY WORK PRODUCT
ATTORNEY-CLIENT PRIVILEGE

To: John Rowden
From: Best Best & Krieger LLP
Date: September 8, 2016
Re: Procedures to Adopt Ordinances

SHORT OVERVIEW

The District is in the process of adopting a new ordinance. To help with this, you asked us to outline the procedures for adopting ordinances. The procedures are discussed in depth below. However, the general procedures are that the District will need to introduce the ordinance at one meeting and adopt it at the next. In addition, the District needs to publish the ordinance. The most common way to do this is to publish a summary of the ordinance at least five (5) days before the second meeting and within fifteen (15) days after. In addition to publishing a summary, the District will need to post a copy of the full text of the ordinance in the District's office at least five (5) days before the second meeting and for fifteen (15) days after. The ordinance will take effect thirty (30) days after its adoption.

ANALYSIS

ADOPTION OF ORDINANCES

The CSD Law authorizes CSDs to adopt ordinances in accordance with the procedures used by county boards of supervisors. (Gov. Code, § 61060(a).¹) The enacting clause of all Board ordinances must read: "The Board of Directors of the Plumas-Eureka Community Services District ordains as follows." (§ 25120.)

The adoption of an ordinance involves two (2) Board meetings: one for introduction and one for passage. (§ 25131.) The Board meeting at which the ordinance is to be passed must be a regular, or adjourned regular, meeting that is more than five (5) days after the meeting at which the ordinance was introduced. However, an urgency ordinance may be passed immediately upon introduction and at either a regular or special meeting. Except when the Board waives further reading after reading the title, all ordinances must be read in full either at the time of introduction or passage. When non-urgency ordinances are altered after introduction, they may be passed only at a regular, or adjourned regular, meeting held at least five (5) days after the alteration. Corrections of typographical or clerical errors are not considered alterations.

¹ All references are to the Government Code unless otherwise noted.
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Upon passage, every ordinance is signed by the Board President and attested by the Secretary. (§ 25121.) The votes of the Directors are entered in the minutes, and the full ordinance is entered in the ordinance book. (§ 25122.) In addition, the CSD must comply with publication and posting requirements. (§ 25124.) There are three (3) methods by which the CSD may satisfy these requirements:

Publication of Full Ordinance

Within fifteen (15) days of passage, the full ordinance must be published once, with the names of the Directors voting for and against the ordinance, in a newspaper published in the CSD. (§ 25124(a).) If there is no newspaper published in the CSD, the ordinance must be posted in a prominent location at the Board's chambers within the 15-day period and remain posted thereafter for at least one week.

Except for maps, any exhibit attached to and incorporated by reference in an ordinance need not be published in its entirety if the publication lists all those exhibits by title or description and includes a notation that a complete copy of each exhibit is on file with the Secretary and is available for public inspection and copying in that office in accordance with the Public Records Act. (§ 25124(a).) A certificate of the Secretary or order entered in the minutes of the Board that the ordinance has been duly published or posted is prima facie proof of the publication or posting.

Publication of a Summary

Rather than publish the full ordinance, the CSD may publish a summary. (§ 25124(b)(1).) The Board must designate an official to prepare the summary. The summary must be published at least five (5) days prior to the Board meeting at which the proposed ordinance is to be adopted. In conjunction with publication, a certified copy of the full text of the proposed ordinance must be posted in the office of the Secretary.

Within fifteen (15) days after adoption of the ordinance, the CSD must publish the summary of the ordinance with the names of those Directors voting for and against the ordinance. (§ 25124(b)(1).) A certified copy of the full text of the adopted ordinance along with the names of those Directors voting for and against the ordinance must also be posted in the office of the Secretary.

Publication of a Display Advertisement

If the designated official determines that it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance, the Board may order a display advertisement of at least one-quarter of a page to be published in a newspaper of general circulation in the CSD at least five (5) days prior to the Board meeting at which the proposed ordinance is to be adopted. (§ 25123(b)(2).) The advertisement must indicate the general nature of, and provide information about, the proposed or adopted ordinance, including information sufficient to enable the public to



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obtain copies of the complete text of the ordinance. Within fifteen (15) days after adoption of the ordinance, the same display advertisement of at least one-quarter of a page must be published with the names of those Directors voting for and against the ordinance.

In general, CSD ordinances become effective thirty (30) days after the date of final passage. (§ 25123.) The portion of any ordinance which changes Director compensation becomes effective sixty (60) days after its adoption. (§ 25123.5.) If the Secretary fails to publish an ordinance within fifteen (15) days after the date of adoption, the ordinance will not take effect until thirty (30) days after the date of publication. (§ 25124(c).) However, the following ordinances take effect immediately:

- Those calling or otherwise relating to an election;
- Those specifically required by law to take immediate effect;
- Those fixing the amount of money to be raised by taxation, or the rate of taxes to be levied (but not ordinances setting water rates under Prop. 218);
- Those for the immediate preservation of the public peace, health or safety, which contain a declaration of the facts constituting the urgency, and are passed by a four-fifths vote of the Board;
- Those specifically relating to the adoption or implementation of a memorandum of understanding with an employee organization; or
- Those relating to salaries and other compensation of employees and officers, other than elected officers. (§ 25123.)

Summary of Procedures

Below is a short summary of the procedures for adopting standard, non-urgency ordinances. We included the procedures for publishing a summary of the ordinance as we assume this is the District's preferred method of publication.

1. Introduce the ordinance at a regular meeting.
2. Publish a summary of the ordinance at least five (5) days prior to the second meeting where the ordinance will be adopted. In addition, post a certified copy of the full text of the proposed ordinance in the office of the Secretary.
3. Adopt the ordinance at a second regular meeting or adjourned regular meeting at least five (5) days after the first meeting.



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4. Within fifteen (15) days after adoption, publish the summary of the ordinance with the names of those Directors voting for and against the ordinance. Post a certified copy of the full text of the adopted ordinance along with the names of those Directors voting for and against the ordinance in the office of the Secretary.

5. The ordinance will take effect thirty (30) days after its adoption.