

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
- 3.01.25 ~~Water Standby Charges~~
- 3.01.30 Multiple Dwelling Units
- 3.01.40 Description of Services, ~~and Billing Procedures~~ 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prescribed and set forth in all previously adopted ordinances, resolutions and orders by the District are hereby superseded.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 3.01.25. 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 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 and Billing Procedures**~~

~~Services for improved parcels are comprised of Water, Sewer (if applicable), Leach Field Maintenance (if applicable), and Fire Tax. Services for unimproved lots are comprised of Water Standby Fees, Sewer Reserve fees (if applicable), Dynamite Hill Leach Field Bond fees (if applicable), Wastewater Treatment Plant #7 Bond fees (if applicable), and Fire Tax.~~

~~In the case of rental property, the property owner name listed on Plumas County Tax Records is considered the party responsible for payment of all service fees.~~

~~(a) Charges and rates for those services are based on annual fees, but are billed in January and July of each year. All charges for services and facilities shall be listed on one invoice and collected together (Gov't Code 61115). The obligations may be paid, semi-annually, quarterly, or monthly*, at the option of the property owner.~~

~~* Property owners electing to pay monthly will be charged an additional fee of \$1.00 per month to reduce the resulting additional administrative costs.~~

~~(b) Payment is due within 30 calendar days from the date of the billing. If not paid within 30 days, the account will be considered past due, at which time a Statement and a Past Due Notice shall be forwarded. Failure to pay any portion of the invoice will be considered as a default on the account and water shut off procedures will be~~

implemented as per Section 3.01.50.

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. — Procedure Prior to Discontinuing Service(s)

- ~~_____ (a) — Past Due Notice shall include information regarding the following subjects:~~
 - ~~_____ (1) Arrangements to make payments.~~
 - ~~_____ (2) File a complaint or request an investigation regarding services or charges.~~
 - ~~_____ (3) Request information regarding financial assistance.~~

~~_____ (b) — In the event payment is not received within 30 days AFTER the mailing of the Past Due Notice, a Notice of Intent to Shut Off Service shall be forwarded. Said notice shall be sent by Certified Mail, Return Receipt Requested. A fee of \$25.00 shall be charged to the delinquent account.~~

~~_____ (c) — After the expiration of the additional thirty (30) days a Second Notice of Intent to Shut Off Service will be mailed in a similar manner as proscribed in paragraph (b), and in addition a copy of the notice shall be posted on the dwelling property. If payment is not received within fifteen (15) days a Final 48 Hour Shut Off Notice shall be forwarded and posted. If full payment is not received, service will be discontinued.~~

~~_____ (d) — District service rates are flat rates, charged on a fiscal year basis, predicated on issuance of the Will Serve Letter. Therefore billing for services will continue whether or not service is terminated.~~

Section 3.01.50. Procedure Prior to 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 six (6) month~~ the ninety (90) day period will be charged to the account. After ~~the eight month~~ one hundred and eighty (180) days, interest of 1% of the amount outstanding, including the late charges and fees, during the ~~six (6) month~~ 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 ~~the fiscal year of the billing~~ 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