

RESOLUTION NO. 2024-19

RESOLUTION OF THE BOARD OF DIRECTORS OF THE PLUMAS EUREKA COMMUNITY SERVICES DISTRICT REVISING ORDINANCE 2024-A ADDING CHAPTER 3.01.43 OF THE PLUMAS EUREKA COMMUNITY SERVICES DISTRICT'S BILLING POLICY ORDINANCE RELATED TO CUSTOMER REFUNDS

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 Board of Directors wishes to add provisions to the District's Billing Policy Ordinance outlining and adopting a Customer Refund policy; and

WHEREAS, the first reading happened on November 19, 2024, during a Regular Board Meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PLUMAS EUREKA COMMUNITY SERVICES DISTRICT that Ordinance 2024-A is hereby amended to add the attached section which is hereby incorporated into this resolution and shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption.

PASSED AND ADOPTED AT A REGULAR MEETING OF THE DISTRICT BOARD OF DIRECTORS THIS 19 DAY OF December 2024 BY THE FOLLOWING VOTE:

AYES: Rich Machado, Jeff Glick, Kim Train, Todd Solomon, Don Fregulia

NOES: 0

ABSENT: 0

ASTAIN: 0

ATTEST: Gina-Marie L. Morris


Don Fregulia, Board Chairperson

12-19-24
Date


Gina-Marie Morris, Clerk of the Board

12/19/24
Date

Section 3.01.43. Customer Refunds

(a) Virtue of Action or Error

When any refund becomes due and owing by virtue of action of the Board or by virtue of any error made in ascertaining the charge applicable to any customer, the Administrative Manager is authorized to make payable such moneys from the specific fund(s) established for the deposit of the charges being refunded, as follows:

1. In the event of an overcharge for services (i.e., cases in which sewer services were provided, but charged an erroneously high amount), all refund claims shall be limited to a one-year statute of limitations.
2. In the event of a charge for “non-service” (i.e., cases in which no sewer services were provided to property owners, as the property is on a private septic system, but were nonetheless inadvertently charged), refund claims for fees collected after January 1, 1992, shall be subject to a one hundred eighty-day statute of limitations for refund claims, starting from the date of payment, or as mandated otherwise by Government Code Section 53082.

(b) Overpayment

When any refund is claimed due to an overpayment by any customer, the Administrative Manager is authorized to make payable such moneys from the specific fund(s) established for the deposit of the charges being refunded, as follows:

1. The overpayment creates a credit on the customer’s account in excess of any current charges.
2. There are no pending charges or fees to be posted to the account within 30 days, regardless of the due date on the pending charges or fees.
 - a. An example of a case in which the customer will not be refunded:
The customer paid twice for the current billing in February, requests a refund on the 5th of April, and the next billing is scheduled to be mailed on April 15th.
In this example, the customer will not be refunded as billing will be posted within 30 days.
 - b. An example of a case in which the customer will be refunded:
The customer paid twice for the current billing in February, requests a refund on the 15th of March, and the next billing is scheduled to be mailed on April 15th.
In this example, the customer will be refunded as billing will be posted in 31 days.
3. Payment of refunded amounts will be available within twenty-one (21) days of request.

(c) Transfer of Ownership

When an account is closed due to a transfer of ownership and a credit remains on the account, payment of the credit amount will be made available, in full to the party that in fact paid the fees and/or charges, within twenty-one (21) days of the District being made aware of said transfer.

(d) Unclaimed Recognized Refunds

In the event that a refund is requested, or in any other way recognized as legitimate by the District, and is left unclaimed or returned by the postal system, the following will apply as required by Government Code §§ 50050-50057:

1. Unclaimed refunds under \$15 are to be held for 1 year before transferring to the general fund (Section 50055)
2. Unclaimed refunds over \$15 are to be held for 3 years before transferring to the general fund provided: (Section 50050)
 - a. Notice is published in the newspaper once a week for two successive weeks prior to transferring funds (Section 50051)
 - In the event that no newspaper is published or otherwise unavailable to the District, notice will be posted on the website and on bulletin boards throughout the District.
 - The notice shall state the amount of money, the fund in which it is held, and that it is proposed that the money will become the property of the local agency on a designated date not less than forty-five days nor more than sixty days after the first publication of the notice.
 - b. Funds are transferred no less than 45 days nor more than 60 days after the first publication of notice.

(e) Deceased Persons

In the event the party that in fact paid the fees and/or charges is deceased and that a death certificate is provided, any refund payable under this section, as outlined above in (a) – (d) shall be payable to the person(s) who is named in one of the following documents:

1. Letters of Administration;
2. A Certification of Trust; or
3. An affidavit under California Probate Code Section 13100-13115 which allows an affidavit if the total estate (computation as outlined in stated section) is less than \$150,000.

(f) Board Approval Requirement

Any amounts requested equal to or greater than \$1,000 must be submitted to the Board for approval. All amounts less than \$1,000 must have the approval of both the Administrative and General Managers.

(g) Government Claims Act Compliance

The provisions of this section do not excuse compliance with the requirements of the Government Claims Act. Failure to comply with such requirements shall be grounds to deny a requested refund.

Section 3.01.44. “Grace Stipulation” for Executors of Estates

In the event that all legal owners of a property are deceased, and that death certificates are provided, and that the property has been placed under the control of an Executor, and that the property is unoccupied, the Administrative Manager is authorized to reduce the fees charged to the Standby Fees for no more than one (1) full year. This stipulation is to be only applied in this specific situation as a “grace” to those handling the hardships associated with the passing of an individual and not to be applied to any other situation. To acquire the “Grace Stipulation” for Executors of Estates, the following must be presented:

1. Death Certificates for all legal owners of a property, the last dated within one (1) year.
2. The Executor of the Estate must provide one of the following:
 - a. Letters of Administration;
 - b. A Certification of Trust; or
 - c. An affidavit under California Probate Code Section 13100-13115 which allows an affidavit if the total estate (computed as outlined in stated section) is less than \$150,000.
3. A written statement that the property is unoccupied and on the market to be sold.