

ORDINANCE NO. 03-2017

BOARD OF DIRECTORS
CAMBRIA COMMUNITY SERVICES DISTRICT
Dated: October 26, 2017

AN ORDINANCE AMENDING SECTION 3.04.030 OF THE
CAMBRIA COMMUNITY SERVICES DISTRICT MUNICIPAL
CODE REGARDING RELIEF FROM FEES AND
CHARGES RELATED TO LEAKS

WHEREAS, Section 3.04.030 of the Cambria Community Services District Municipal Code contains provisions governing the process for the Board of Directors to grant relief from the payment of fees and charges to achieve equity and fairness; and

WHEREAS, the CCSD receives frequent requests from customers for reductions for charges for water leaks that are normally the result of broken pipes that are not readily visible or leaks internal to a house; and

WHEREAS, CCSD Staff has recommended changes to Section 3.04.030 that would authorize the General Manager to approve reductions in fees and charges in circumstances when a leak was beyond the customer's ability to prevent, and that the customer discovered and repaired in a timely manner; and

WHEREAS, the recommended Municipal Code revisions would require the customer to pay for all water that flows through his or her meter, but allows the customer to pay at the lowest unit cost rather than at the highest unit cost, and would also allow reductions or waivers of fees paid for Sustainable Water Facility (SWF) costs, sewer costs and any penalties paid on the excess water lost; and

WHEREAS, the Board of Directors of the Cambria Community Services District has determined that it is appropriate to amend Section 3.04.030 of the Cambria Community Services District Municipal Code to implement Staff's proposed changes.

NOW, THEREFORE, the Board of Directors of the Cambria Community Services District does hereby ordain as follows:

Section 1. Subsection D is hereby added to Section 3.04.030 of the Cambria Community Services District Municipal Code to read as follows:

D. In addition to the provisions contained in subsections A through C herein, the general manager may, in his or her discretion, grant relief from the payment of water and sewer service fees and charges that are the result of leaks, if he or she finds and determines that:

1. A water leak was not the fault of the customer and was discovered and repaired by the customer in a reasonable amount of time; and
2. That the leak resulted in usage that is more than twice the normal usage for the property.
3. The general manager may authorize the following actions:
 - a. Normal Water Usage Charges for all water used in excess of normal usage may be charged at the lowest tier rate (i.e., the rate for usage in the 1 – 4 Unit category); and
 - b. SWF Usage Charges and SWF Operating Charges for all water used in excess of normal usage may be waived completely; and
 - c. If the leak does not go through the sewer system, the amount of the excess sewer fee for the billing period can be waived and the customer charged only the normal sewer fee charged in previous billing periods; and
 - d. If surcharges/penalties are being imposed, all surcharges/penalties can be waived for water used in excess of normal usage; and
 - e. The general manager and a customer can agree to a “payment plan” to spread payments out for up to twelve months.
 - f. “Normal usage” shall be the usage for the same billing period in the previous year. If the customer does not have usage for that period, normal usage shall be the usage for the last billing period that was not affected by the leak prior to the billing period being considered. If the customer has no usage history, the general manager will determine an appropriate usage amount.
 - g. An applicant for relief under this section may appeal the general manager’s decision to the Board of Directors. A request for appeal must be submitted to the District in writing not more than ten (10) days after the general manager’s decision.

Section 2. A summary of this Ordinance shall be published in a newspaper published and circulated in the jurisdictional boundaries of the District at least five (5) days prior to the meeting of the Board of Director at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the District Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those Board Members voting for and against the Ordinance shall be published again, and the District Clerk shall post a certified copy of the full text of such adopted Ordinance.

Section 3. If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The Board of Directors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared unconstitutional.

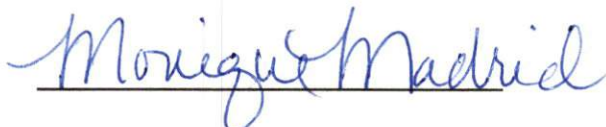
Section 4. This Ordinance shall take effect thirty (30) days after its adoption.

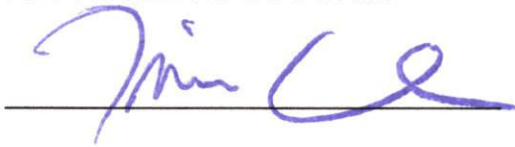
The foregoing Ordinance was adopted at a regular meeting of the Board of Directors of the Cambria Community Services District held on the 26th day of October, 2017.

AYES: 5
NAYS: 0
ABSENT: 0


Amanda Rice
President, Board of Directors

APPROVED AS TO FORM:


Monique Madrid
District Clerk


Timothy J. Carmel
District Counsel

