

ORDINANCE NO. 2020-01

AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT AMENDING RULES 9.05, 10.01, AND 10.03, OF THE MCSD RULES AND REGULATIONS

WHEREAS, the Water Shutoff Protection Act (SB 998) was signed by former Governor Jerry Brown on September 28, 2018; and

WHEREAS, the Water Shutoff Protection Act (SB 998) creates statewide requirements for the discontinuation of residential water service for nonpayment by water systems that provide water to more than 200 service connections; and

WHEREAS, the requirements of Water Shutoff Protection Act (SB 998) must be implemented by February 1, 2020 by public water systems that supply water to more than 3,000 customers annually; and

WHEREAS, the Board passed Resolution No. 2020-01 on February 5, 2020, adopting a Policy Governing the Disconnection of Residential Water Service for Nonpayment of Water Rates and Charges; and

WHEREAS, the Board has determined that certain MCSD Rules and Regulations must be amended in order to be consistent with the adopted Policy Governing the Disconnection of Residential Water Service for Nonpayment of Water Rates and Charges, as set forth herein.

NOW, THEREFORE, the Board of Directors of the McKinleyville Community Services District ordains as follows:

Rules 9.05, 10.01, and 10.03, of the District's adopted Rules and Regulations are amended to read as follows:

Rule 2.07. PENALTY FOR VIOLATION - for the failure of the customer to comply with all or any part of this article, and any ordinance, resolution or order fixing rates and charges of the District, a penalty for which has not hereafter been specifically fixed, the customer's service shall be discontinued and the water shall not be supplied such customer until he shall have complied with the rule or regulation, rate or charge which he has violated or, in the event that he cannot comply with said rule or regulation, until he shall have satisfied the District that in the future he will comply with all the rules and regulations established by ordinance of the District and with all rates and charges of this District.

Rule 9.05. PAYMENT OF BILLS - bills for metered water service shall be rendered at the end of each billing period. Bill shall be payable on presentation and shall be deemed delinquent thirty (30) days from the date printed on the bill. On each bill for water service rendered by the District shall be printed substantially the following: "If this bill is not paid within sixty (60) days after the date of delinquency, service may be discontinued. A reconnection charge and penalties will be made in accordance with the District's Rules and Policy for Discontinuation of Water Service for Nonpayment and collected prior to renewing service following discontinuance." In order to comply with the amended California Civil Code Section 1798.29, the District will notify, without unreasonable delay, any customer whose unencrypted personal information was or is reasonably believed to have been acquired by an unauthorized person.

Rule 10.01. TERMINATION OF SERVICE - water service may be terminated by the District in compliance with the notice and other requirements of Chapter 9.6 of Division 1, title 6, of the California Government Code and Chapter 6 of Part 12 of Division 104 of the California Health and Safety Code.

- (a) Water service may be discontinued for any one of the following reasons:
 - i. Delinquency in payment of any residential water service rate or charge in accordance with the District's Policy Governing the Disconnection of Residential Water Service for Nonpayment of Water Rates and Charges.
 - ii. Delinquency in payment of any commercial or other nonresidential water service rate or charge.
 - iii. The unauthorized taking of water or the taking of water in excess of the amount paid for.
 - iv. Failure of the customer to maintain his facilities in suitable condition to prevent waste of water.
 - v. The existence of an unprotected cross connection on the customer's premises or the lack of adequate backflow protection at the service connection.
 - vi. Any violation by the customer of any rules of the District governing water service.
- (b) The process that will be followed prior to discontinuance of residential service for non-payment is set forth in the District's Policy Governing the Disconnection of Residential Water Service for Nonpayment of Water Rates and Charges.
- (c) The following process will be followed prior to a discontinuance other than a discontinuance of residential service for non-payment: At least ten (10) days before discontinuing such a water service the District shall provide written notice which shall specify the reason for the proposed discontinuance and inform the customer of the procedure for and the availability of the opportunity to discuss the reason for the proposed discontinuance with the Manager, or the Manager's designee, who is empowered to review disputes and rectify errors and settle controversies pertaining to such proposed discontinuance of service. The name and phone number of the Manager, or the Manager's designee, shall be included in any such notice of proposed discontinuance given to the customer.
- (d) No water service shall be discontinued to any customer because of any delinquency in payment on any Saturday, Sunday, legal holiday or at any time during which the business office of the District is not open to the public.

Rule 10.02. RECONNECTION - failure to receive bill does not relieve consumer of liability. Any amount due shall be deemed a debt to the District and any person, firm or corporation failing, neglecting or refusing to pay said indebtedness shall be liable to an action in the name of the district in any court of competent jurisdiction for the amount thereof.

Rule 10.03. RECONNECTION CHARGE - a reconnection charge plus penalties as applicable shall be made and collected prior to renewing service following an initial discontinuance or suspension. The reconnection charge for residential water service is set forth in the District's Rules and Policy Governing the Disconnection of Residential Water Service for Nonpayment of Water Rates and Charges. The reconnection charge for commercial or other nonresidential water service will be equivalent to 2/3 (two-thirds) of an hour at the loaded Operations average hourly payroll rate as listed in the current MCSD fee schedule in Appendix A. Service reconnection shall also require the payment of all charges currently due in addition to the reconnection charges. An additional refundable deposit equivalent to 2 1/2 (two and one-half) times the monthly average for each class of customer will be required of water/sewer accounts that have begun new service, reconnected or with an outstanding balance remaining from a previous MCSD service. (See current MCSD fee schedule in Appendix A.)

Rule 10.04. UNSAFE APPARATUS - water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.


Rule 10.05. CROSS-CONNECTIONS - water service may be refused or discontinued to any premises where there exists a cross-connection in violation of State or Federal laws.

Rule 10.06. FRAUD OR ABUSE - service may be discontinued if necessary, to protect the District against fraud or abuse.

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

Introduced at a regular meeting of the Board of Directors held on February 5, 2020 and passed and adopted by the Board of Directors on March 4, 2020, upon the motion of Director Corbett and seconded by Director Barsanti and by the following polled vote:

AYES: Barsanti, Corbett, Couch, Mayo and Burke
NOES: none
ABSTAIN: none
ABSENT: none



Mary Burke, Board President

Attest:



April Sousa, CMC, Board Secretary