

ORDINANCE NO. 13-80

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MISSION HILLS COMMUNITY SERVICES DISTRICT REPEALING ORDINANCE NO. 34 ESTABLISHING THE MONTHLY BILLING CYCLE FOR WATER AND SEWER FEES, FIXING MISCELLANEOUS CHARGES, AND ESTABLISHING CUSTOMER PAYMENT POLICIES AND ADOPTING A NEW ORDINANCE WITH REGARD TO THE SAME.

WHEREAS, the Mission Hills Community Services District (the "District") is a community services district duly formed under California Government Code Section 61000 et. seq. to provide community services within the District's service area, including water and sewer services; and

WHEREAS, pursuant to Government Code Section 61115, the District may establish rates or other charges for services and facilities that the District provides; and

WHEREAS, the District's Board of Directors are authorized by the provisions of Government Code Section 61060(a) to adopt ordinances; and

WHEREAS, the District requires timely payment for water, sewer, and street sweeping services to meet its financial obligations; and

WHEREAS, the customers that meet their obligation for timely payment should not bear the additional cost of those who do not; and

WHEREAS, it is hereby established that the benefit of water, sewer and street sweeping services belongs to the property; and

WHEREAS, the property owner will hereby be ultimately responsible for the payment of water, sewer and street sweeping service user fees and debt repayments and surcharges as may be prescribed now and in the future; and

WHEREAS, the District adopted Ordinance No. 34 in 1989 establishing the monthly billing cycle for water and sewer fees, fixing miscellaneous charges, and establishing customer payment policies; and

WHEREAS, the District desires to repeal Ordinance No. 34 and adopt in its place a revised ordinance establishing the monthly billing cycle for water, sewer, and street sweeping fees, fixing miscellaneous charges, and establishing customer payment policies.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Mission Hills Community Services District, Santa Barbara County, California as follows:

SECTION 1.

The Recitals are true and correct and incorporated herein by this reference. The Recitals contained therein constitute and/or support the findings of the District in support of this Ordinance.

SECTION 2.

Ordinance No. 34 is hereby repealed and replaced with the following:

ARTICLE I: GENERAL PROVISIONS.

Section 1: Short Title: This ordinance may be cited as the “Monthly Billing Cycle Ordinance” of the Mission Hills Community Services District.

Section 2: Definitions: Unless the context otherwise indicates, terms used herein have the following meanings:

- (a) Additional Definitions for the purpose of this ordinance additional terms shall have the meaning indicated in the ordinances of the District.
- (b) Auditor shall mean the Auditor-Controller of Santa Barbara County.
- (c) Board shall mean the Board of Directors of the District.
- (d) Commercial shall mean any premises used for commercial or business purposes and:
 - (i) Placing a demand for capacity on the water system of less than 800 g.p.d. or equal to a single-family dwelling.
 - (ii) Discharging a quality and quantity of sewage essentially similar to that of a single-family dwelling.
- (e) County shall mean the County of Santa Barbara, State of California, within which the District is located.
- (f) District shall mean the Mission Hills Community Services District.
- (g) Dwelling Unit shall mean any residence, apartment, room or other habitation customarily occupied by a single person or family requiring sewage disposal service.
- (h) GPD (or gpd) shall mean gallons per day.

- (i) Institutional shall mean any premises used for school, churches, hospitals, convalescent homes, or other types of public facilities available for public use.
- (j) Lot or parcel of land shall mean a lot or parcel of land shown on a recorded subdivision map in the official records of the County or shown on an Assessor's map of the County, and its highest and best authorized use.
- (k) Ordinance shall mean this ordinance as it may from time to time be amended.
- (l) Person shall mean any human being, firm, company, partnership, association and private, public, or municipal corporations, the United States of America, the State of California, districts and all political subdivisions, governmental agencies and mandatories thereof.
- (m) Premise shall mean any house, habitation, or other structure requiring public or private water service, sewage disposal services or street sweeping services, and the lot or parcel of land upon which such structure is situated.
- (n) Report shall mean the report referred to in Section 5473 of the Health and Safety Code of the State of California or the materials provided pursuant to Section 5474 of said Code.
- (o) Secretary shall mean the Secretary of the Board.
- (p) Sewer Service Charges shall mean fees, tolls, rates, rentals or other charges for services or facilities, or both, furnished by District in connection with its sewer system.
- (q) Tax Collector shall mean the Tax Collector of Santa Barbara County.
- (r) Water Service Charges shall mean fees, tolls, rates, rentals or other charges for services or facilities, or both, furnished by the District in connection with its water system.
- (s) Street Sweeping Charges shall mean fees, tolls, rates, rentals or other charges for services furnished by the District in connection with street sweeping.

ARTICLE II: CUSTOMER PAYMENT POLICIES AND SCHEDULE OF CHARGES.

Section 1: Billing Cycle:

Monthly water, sewer, and street sweeping bills will be mailed to all property owners/customers for the month immediately preceding.

Section 2: Payment Due:

All water charges, sewer charges, and street sweeping charges, fees, debt surcharges, and loan or bond repayments are due and payable upon receipt of the monthly bill.

Section 3: Discontinuance of Service:

(a) If all or any part of each bill is not paid, the District may discontinue any or all service for which the bill is rendered. However, the District will not terminate residential service for non-payment in any of the following situations:

- (1) During the pendency of an investigation by the District of a customer dispute or complaint relating to the unpaid amount;
- (2) For non-payment of a bill for which an extension period has been granted until the extension period has expired;
- (3) On the certification of a licensed physician and surgeon that to do so will be life-threatening to the customer, and
 - (i) the customer is financially unable to pay for service within the normal payment period, and
 - (ii) is willing to enter into an amortization agreement with the District with respect to all charges that the customer is unable to pay prior to delinquency.

Such customer shall, upon request, be permitted to amortize, over a period not to exceed twelve (12) months, the unpaid balance of any bill asserted to be beyond the means of the person to pay within the normal period of payment. The customer and the District shall enter into a written amortization agreement in a form prescribed by the District; and

- (4) For any customer complying with an amortization agreement, if the customer also keeps the account current as the charges accrue in each subsequent billing period.

(b) Any residential customer who has either:

- (1) Initiated a complaint or requested an investigation within five (5) days of receiving the disputed bill, or
- (2) Who has, within thirteen (13) days of mailing of a Notice of Delinquency and Impending Termination, made a request for an extension of the

payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment, shall be given an opportunity for review of the complaint, investigation, or request, by the manager of the District. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed twelve (12) months. Any customer whose complaint or request for an investigation has resulted in an adverse determination by the District may appeal the determination to the Board.

Section 4: Notice of Delinquency and Impending Termination.

- (a) A written notice entitled "Notice of Delinquency and Impending Termination" shall be rendered to every customer whose bill remains unpaid for nineteen (19) days or more from the date of the mailing or other rendering of such bill. Such notice shall state that water service provided by the District will be discontinued unless the bill is paid in full by a date specified in the Notice, which date will be not less than fifteen (15) days from the date of mailing of such notice. Such notice shall be rendered by mailing, postage, pre-paid, addressed to the mailing address of the customer shown on the property owner records of the District of the premises to which service will be discontinued. Water service shall be discontinued after nine (9) o'clock a.m. on the sixteenth calendar day from the mailing of such notice subject to subsections (b) and (c) below.
- (b) At least forty-eight (48) hours prior to termination of water service, the District will make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone or in person. Whenever telephone or personal contact cannot be accomplished, the District will give, by mail or by posting in a conspicuous location at the premises, a notice of termination of service, at least 48 hours prior to termination.
- (c) Service will not be terminated on any Saturday, Sunday, legal holiday, or any other time during which the business office of the District is not open to the public.
- (d) Where the District furnishes service through a master meter or furnishes individually metered service in a multiunit residential structure, mobilehome park, or farm labor camp where the owner or manager is listed as the customer, the District shall make a good faith effort to inform the actual users of the services, when the account is in arrears, by means of a notice that service will be terminated in ten (10) days. The notice shall comply with Government Code Section 60371.

Section 5: Compliance with Amortization Agreements.

If a residential customer fails to comply with an amortization agreement, the District may not terminate service without giving notice to the customer at least forty-eight (48) hours prior to termination of the conditions the customer is required to meet to avoid termination. The notice does not entitle customer to further investigation by the District.

Section 6: Notice Administration Fees:

In addition to all other rates and fees, whenever a forty-eight (48) hour Notice of Delinquency and Impending Termination is prepared, a non-refundable Notice Administration Fee of ten dollars (\$10.00) will be assessed. This amount is due and payable at the same time as and in addition to the outstanding balance.

Section 7: Disconnection and Reconnection Fees:

If water service is discontinued for non-payment, a non-refundable disconnection fee of fifteen dollars (\$15.00) will be required in addition to full payment of the outstanding bill prior to reconnection for water service. If water service is reconnected outside of normal District business hours, then an additional seventy-five dollars (\$75.00) After Hours charge will be assessed. If water service is discontinued for three (3) consecutive months because of non-payment, then the water meter will be removed and the property owner/customer charged accordingly. If sewer service is disconnected the property owner/customer will be required to pay all charges, on a direct cost basis, for the removal and replacement of the sewer line connection. Further, the District will not be liable for any concrete, shrubs, lawn, etc., that may need to be removed as part of the discontinuance of service.

Section 8: Late (Delinquency) Fee:

There will be a delinquency fee charged and added to the bill on those that remain unpaid on the first working day of the month following issuance of the bill. If payment was received prior to 8:30 a.m. on the first working day of the month, late fees will not be levied. The late fee shall be ten percent (10%) of the delinquent bill rounded to the nearest cent.

Section 9: Returned Checks/ Payment:

If a bill is paid by a check or credit card that subsequently is not honored by the bank, a twenty-five dollar (\$25.00) non-refundable fee will be charged.

Section 10: New Customer Deposits:

A deposit will be required of each new property owner/customer arranging service with the District who does not have an established credit history with the District.

The dollar amount of this deposit shall be two (2) times the estimated average monthly bill for water usage and service, sewer service, street sweeping service, and debt repayment charges. The deposit shall be computed according to water meter size and the estimated average monthly bill determined at the end of each fiscal year of the District. The deposit shall be refunded to the property owner/customer at the closing of the service account, subject to the customer's payment history with the District. In cases of extreme hardship, the deposit may be made in three (3) payments, the time of which shall not exceed ninety (90) days or three (3) billing periods.

Section 11: Payment in Cash:

The District reserves the right to demand payment in cash from any property owner/customer, subject to their payment history with the District.

Section 12: Sewage Required:

All residential and commercial customers located within the District's boundaries who have water service with the District shall be required to have sewer service with the District unless exempted by the Board of Directors.

SECTION 3.

All ordinances, resolutions, or administrative actions by the Board, or parts thereof, which are inconsistent with any provision of this Ordinance, are hereby superseded only to the extent of such inconsistency.

SECTION 4.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5.

This Ordinance shall take effect and be in full force and effect thirty (30) days after the date of its adoption.

SECTION 6.

A summary of this Ordinance shall be published in a newspaper and circulated in the District at least five (5) days prior to the Board of Directors' meeting 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 District office. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those Directors voting for and against the Ordinance shall be published again, and the District shall post a certified copy of the full text of such adopted Ordinance.

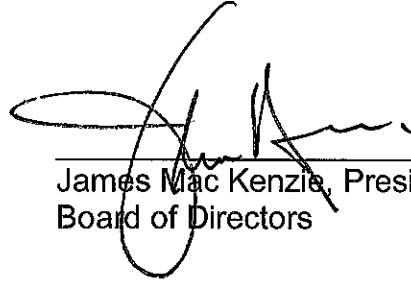
Introduced at a meeting of the Board of Directors on November 13, 2013, and passed and adopted by the Board of Directors of the Mission Hills Community Services District on December 11, 2013, by the following roll call vote:

AYES: Directors: Fasold, Hayes, Jones, Mac Kenzie, and Naughton

NOES: None

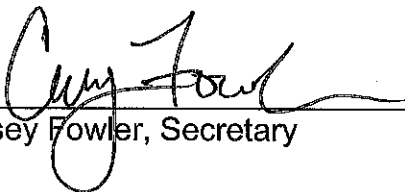
ABSENT: None

ABSTAINING: None




James Mac Kenzie, President
Board of Directors

ATTEST:



Casey Fowler, Secretary

APPROVED AS TO FORM:



Ziyad I. Naccasha, District Counsel