

ORDINANCE NO. 2007-1

AN ORDINANCE AMENDING ORDINANCE 2006-1 TO ESTABLISH THE METHOD FOR WATER BILLING ADJUSTMENTS FOR THE OCEANO COMMUNITY SERVICES DISTRICT

WHEREAS, by Ordinance 2006-1, the Oceano Community Services District (the "District") consolidated its existing ordinances regarding certain utility services and established charges therefore, including the method by which water billing adjustments may be made. And,

WHEREAS, the District's Board of Directors has determined that certain ambiguities exist in the procedures for making water billing adjustments. And,

WHEREAS, the District's Board of Directors has determined that it is in the District's and the general public's best interests to clarify the methods,

NOW, THEREFORE, BE IT ORDAINED, pursuant to Government Code Sections 61600(a), 61621, 61621.5, and 61623, by the District's Board of Directors as follows:

1. Ordinance Amendment. Ordinance 2006-1, Article 4, Section 4, is hereby amended to read as follows:

*"4. **Billing Adjustments.** Whenever a bill reflects high usage compared to the previous comparable seasonal billing period, the owner can request a billing adjustment. The owner must produce evidence of a break or malfunction that was not reasonably detectable. The owner must also produce evidence the break or malfunction has been repaired.*

High usage is defined as water use for a billing period which is in excess of one and one-half times the normal seasonal bimonthly use as solely determined by the District.

Once the District determines there is no evidence that the excess use of water was due to the willful act or the negligence of the consumer or the consumer's agent(s), the District General Manager will credit the consumer's account for one-half the difference between the dollar amount of the normal bill (calculated as normal seasonal bimonthly use at current commodity rates) and the dollar amount of the disputed bill. In the event the District General Manager does not authorize the credit, the owner may appeal that decision to the Board of Directors. The appeal must be in writing and explain why the customer disagrees with the decision of the General Manager.

Consumers requesting a bill adjustment must allow District staff to complete a residential water use survey before any bill adjustment is given. The District

General Manager may grant exemptions to this requirement should staff be unavailable to perform the survey in a timely manner.

Consideration of an adjustment pursuant to this policy shall be allowed only once in any consecutive 24 month period. The Board of Directors may make exceptions to the frequency of adjustments and the amounts of the adjustments for "Acts of God" such as earthquakes and floods."

2. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent with or in conflict with the terms and conditions of any prior District Ordinance(s), motions, resolutions, rules or regulations governing the same subject, the terms and conditions of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistency and conflicting provisions of prior ordinances, motions, resolutions, rules and regulations are hereby repealed.

3. Severability. If any section, subsection, sentence, clause or phrase or this Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The Board hereby declares that it would have passed this Ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared invalid or unconstitutional.

4. Effective Date. This Ordinance shall take effect and be in full force and effect thirty (30) days from the date of passage; and before the expiration of fifteen (15) days after the passage of this Ordinance, it shall be published once with the names of the members voting for and against the Ordinance in the Five Cities Times-Press-Recorder.

INTRODUCED at a regular meeting of the Board of Directors on the _____ day of _____, 2007, and **PASSED AND ADOPTED** by the Board of Directors on the _____ day of _____, 2007, upon the motion of Director _____, seconded by Director _____, and upon the following roll call vote, to wit:

AYES

NOES

ABSENT

ABSTAINING

James Hill
President