

## ORDINANCE NO. 2007-2

### AN ORDINANCE AMENDING ORDINANCE 1994-2 TO ESTABLISH NEW SEWER SERVICE CHARGES FOR INSPECTION AND MONITORING OF THE FATS, OILS, AND GREASE PROGRAM FOR THE OCEANO COMMUNITY SERVICES DISTRICT

**WHEREAS**, by Ordinance 1994-2, the Oceano Community Services District (the "District") established Sewer Service Charges. And,

**WHEREAS**, California Regional Water Quality Control Board Waste Discharge Requirements Order R3-2004-0062 requires inspection and monitoring of certain facilities that may contribute to sewer pollution. 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 require the inspected facilities to pay a portion of the cost to operate the inspection and monitoring program,

**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 1994-2, Section 2, Section 2.3. is hereby added to read as follows:

*"Section 2.3. Fats, Oils, and Grease Program Fees. California Regional Water Quality Control Board Waste Discharge Requirements Order R3-2004-0062 requires certain facilities to be inspected periodically as part of a grease control and monitoring program. An inspection fee of \$120.00 per year shall be charged for all facilities inspected each year. The fee will be invoiced \$20.00 bi-monthly.*

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inconsistency and conflicting provisions of prior ordinances, motions, resolutions, rules and regulations are hereby repealed.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 of 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 14<sup>th</sup> day of November, 2007, and **PASSED AND ADOPTED** by the Board of Directors on the 29th day of November 2007, upon the motion of Director Dean, seconded by Director Bookout, and upon the following roll call vote, to wit:

AYES: DEAN, BOOKOUT, MANN, HILL

NOES: NONE

ABSENT: NONE

ABSTAINING: NONE

/S \_\_\_\_\_  
James Hill  
President

Attest:

/S \_\_\_\_\_  
Gina A. Davis  
Deputy Board Secretary

## 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

Attest:

Gina A. Davis  
Deputy Board Secretary

November 29, 2007

TO: Board of Directors, OCSD  
FROM: Patrick J. O'Reilly, General Manager  
**SUBJECT: WATER BILLING ADJUSTMENT POLICY**

District Ordinance 2006-1, Article 4, Section 4 states:

"Whenever a bill reflects a high usage as compared with other billing periods, and the owner can produce evidence of a break or malfunction and evidence that the break or malfunction had been repaired, the bill will be presented to the Board of Directors for an adjustment that would invoice the customer the average of the past twelve months water bills. Computation of the average will include the most recent bill and the previous five water bills."

At the District Board of Directors meeting of October 24, 2007, the Board directed the General Manager to prepare a proposed amended ordinance to incorporate the following features:

- define "high usage" as 1 and ½ times normal seasonal usage as determined by District staff;
- include requirement that there be no evidence of a willful act or negligence;
- require proof of a break or malfunction that could not be readily detected by the customer under normal circumstances;
- require proof of repair of the break or malfunction;
- provide authority for the General Manager to make determinations of "facts" and approve or disapprove adjustments with the Board of Directors hearing appeals;
- require appeals to be written and explain why the customer disagrees with the decision of the General Manager;
- establish the adjustment amount as half the difference between the "high" bill and the normal seasonal bill;
- limit the number of adjustments for any one customer to no more than one in any twenty-four month period; and
- include authority for the Board to make exceptions to this policy for "Acts of God" such as earthquakes and floods.

Ordinance No. 2007-1 is provided as Attachment 1. Ordinance No. 2007-1 was read "In Title Only" at the meeting of the Board of Directors conducted November 14, 2007.

Agenda Item 11 29 2007 8.b.

**THE RECOMMENDED ACTION BEFORE YOUR BOARD is to:** read Ordinance No. 2007-1 for the second time and by Board discussion, public comment, motion, second and roll call vote, adopt Ordinance 2007-1.

Agenda Item 11 29 2007 8.b.