

ORDINANCE NO. 01-2021

CAMBRIA COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS

DATED: June 10, 2021

AN ORDINANCE AMENDING SECTION 3.04.030 OF THE
CAMBRIA COMMUNITY SERVICES DISTRICT MUNICIPAL CODE
RELATING TO THE WATER RECLAMATION FACILITY

The Board of Directors of the Cambria Community Services District Ordains as follows:

Section 1. Section 3.04.030 of the Cambria Community Services District Municipal Code is hereby amended in its entirety to read as follows:

3.04.030 – Relief from fees and charges in special circumstances.

- A. Notwithstanding any other provision of any ordinance adopted by this district, the board of directors may grant relief from the payment of fees and charges applicable to the provision of water and sewer services.
- B. Such relief may only be granted after formal application to the district, in a form and manner as may be established by the general manager, has been made and filed. The application shall contain all information deemed necessary by the general manager, including the facts and circumstances surrounding the natural disaster and the particular relief sought. Any relief granted shall not be retroactive beyond the billing period immediately preceding the date of application.
- C. The board shall not be obligated to grant relief in any particular application but may do so in order to achieve equity and fairness.
- 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. Water Reclamation Facility (WRF) usage charges and WRF 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 (12) 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 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 office of the Board Secretary. 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 Board Secretary shall post a certified copy of the full test of such adopted Ordinance.

Section 3. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

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 this Ordinance would be subsequently declared invalid or unconstitutional.

The foregoing Ordinance was adopted at a regular meeting of the Board of Directors of the Cambria Community Services District held on the 10th day of June, 2021.

AYES:

NAYS:

ABSENT:

Cindy Steidel
President, Board of Directors

APPROVED AS TO FORM:

Ossana Terterian
Board Secretary

Timothy J. Carmel
District Counsel