

**OLIVEHURST PUBLIC UTILITY DISTRICT**

**RESOLUTION NO. 2179**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
OLIVEHURST PUBLIC UTILITY DISTRICT  
ADOPTING POLICIES GOVERNING TERMINATION  
OF SERVICES TO MASTER METERS AND NOTICE TO CUSTOMERS**

**WHEREAS**, Olivehurst Public Utility District Board of Directors wish to adopt a policy governing termination of service to master meter customers; and

**WHEREAS**, said policy will be consistent with Public Utilities Code §16481.1.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of Olivehurst Public Utility District does hereby adopt the policies (Exhibit A) and notice to customers (Exhibit B).

**BE IT FURTHER RESOLVED** that the policy is effective as of May 15, 2008.

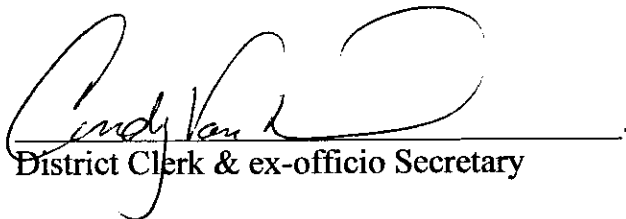
**PASSED AND ADOPTED** this 15<sup>th</sup> day of May 2008.

OLIVEHURST PUBLIC UTILITY DISTRICT



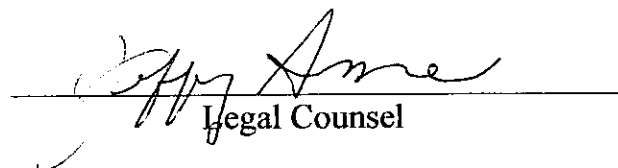
\_\_\_\_\_  
President, Board of Directors

ATTEST:



\_\_\_\_\_  
District Clerk & ex-officio Secretary

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY

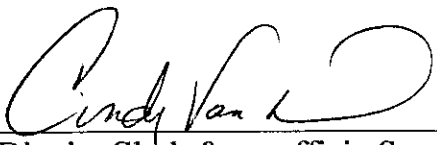


\_\_\_\_\_  
Legal Counsel

\* \* \* \* \*

I hereby certify that the foregoing is a full, true and correct copy of a Resolution duly adopted and passed by the Board of Directors of the Olivehurst Public Utility District, Yuba County, California, at a meeting thereof held on the 15<sup>th</sup> day of May 2008, by the following vote:

AYES, AND IN FAVOR THEREOF	:	Director Carpenter, Hollis, Patty, and Miller.
NOES	:	None.
ABSTAIN	:	None.
ABSENT	:	Director Morrison.

  
\_\_\_\_\_  
District Clerk & ex-officio Secretary

**EXHIBIT A**  
**OPUD Rules and Regulations Implementing**  
**Public Utility Code Section 16481.1 – Termination of**  
**Water Service to Residential Occupants Served through a Master Meter**

Introduction

The District serves water to residential occupants through a master meter in multi-unit residential structures and mobile home parks, where the owner, manager, or operator is listed by the District as the customer as record.

By these Rules and Regulations, the District intends to comply with the requirements imposed by Public Utility Code §16481.1. In the event of a conflict between these rules and the statute, procedures outlined in that statute, as may be amended from time to time, take precedence over these Rules and Regulations.

(1) Notice to Residential Occupants

Where the owner, manager or operator of a multi-unit residential structure or mobile home park or similar facility is listed by the District as the customer of record and the account is in arrears, the District will make every good faith effort to inform the residential occupants by means of a written notice posted on the door of each residential unit at least fifteen days prior to service termination, that service will be terminated on a date specified in the notice. If it is not reasonable or practicable to post the notice on the door of each residential unit, the District will post two copies of the notice in each common area and at each point of access to the structure or mobile home park or similar such area. The notice must be in English and to the extent practical in any other language that the District determines is the primary language spoken by a significant number of the residential occupants. The notice must be clear wording and large and bold faced type for ease of reading. A copy of the form notice to be provided is attached to these Rules and Regulations.

The notice will inform the residential customers of the following:

- (1) That they have the right to become direct customers of the District to whom the service will be billed.
- (2) That they can become direct customers of the District in this way without being required to pay the amount due on the delinquent account.
- (3) That in order to prevent the termination of service or to reestablish service, the residents must contact the District to sign up for service as described.

(2) Guidelines for Residential Occupants to Become Direct Customers of OPUD

Residential occupants of a multi-unit residential structure, mobile home park, or similar facility can become direct customers of the District and avoid termination of service, or can

reestablish service by becoming direct customers of the District. The residential occupant should contact the District at the District office to request service.

The District may request the residential occupant to demonstrate creditworthiness as a condition for establishing credit with the District. Creditworthiness will be established by the residential occupant providing the District with proof of prompt payment of rent or other credit obligations which have accrued during a six-month period of time prior to application for service.

The residential occupant will be provided direction to contact the California Rural Legal Assistance Center, located at 511 D Street, Marysville, telephone 742-5191, which has been recommended by the Yuba-Sutter Bar Association to provide legal advice in connection with these matters.

The District is not required to make service available to the residential occupants unless each residential occupant or a representative of the residential occupants agrees to the terms and conditions of service and meets the requirements of these Rules and Regulations. Notwithstanding the foregoing, if one or more of the residential occupants, or a representative of the residential occupants, is/are willing and able to assume responsibility for all subsequent charges to the master meter account to the satisfaction of the District, the District will make service available to the residential occupants. A "representative of the residential occupants" does not include a tenant's association.

(3) Liberal Construction

The District will liberally construe its Rules and Regulations to accomplish the purpose of ensuring that service to the residential occupants of a multi-unit residential structure, mobile home park or similar facility provided service through a master meter is not terminated due to non-payment unless the District has made every reasonable effort to continue service to the residential occupants.

(4) Limitations on Termination of Service

Notwithstanding delinquency in the master meter account, the District will not terminate water service for non-payment:

- (1) During the pendency of an investigation by the District of a customer dispute or complaint;
- (2) Where the customer has been granted an extension of the period for payment of the bill;
- (3) For an indebtedness owed by the customer to any other public agency, or when the obligation represented by the delinquent account or other indebtedness was incurred with any public agency other than the District;

- (4) When a delinquent account relates to another property owned, managed or operated by the customer;
- (5) When a public health or building officer certifies that termination would result in a significant threat to the health or safety of the residential occupants or the public.

**EXHIBIT B**

**NOTICE OF ACCOUNT DELINQUENCY,  
AND THAT WATER SERVICE TO \_\_\_\_\_ MASTER METER  
WILL BE TERMINATED**

This **NOTICE** is being sent to you because you are an occupant of the \_\_\_\_\_, which is served water and sewer service under a master account which is the responsibility of \_\_\_\_\_. \_\_\_\_\_ is the master meter account holder with Olivehurst Public Utility District for the \_\_\_\_\_.

The owner's account is delinquent and he has not paid amounts due and owing to Olivehurst Public Utility District for water and sewer service. The total amount of the delinquency, to date, is \$ \_\_\_\_\_.

**Due to the delinquency, water service to the \_\_\_\_\_ is scheduled for shutoff on \_\_\_\_\_.**

**Residential occupants served by a master meter can prevent the termination of water and sewer service by agreeing to become direct customers of Olivehurst Public Utility District, and by agreeing that the costs for service will be billed directly to them in the future. While you will be responsible for the bill for future service, you will not be required to pay the delinquent amounts listed above that are owed by \_\_\_\_\_.**

The water system within \_\_\_\_\_ was installed and is owned and operated by \_\_\_\_\_. The District has no control over that system and cannot make repairs to, or individual service connections from that system. Therefore, the District is not required to make service available to the residents directly unless all the residents agree to take direct service, and each customer takes agrees to pay their own bill for service. **If each resident agrees to take direct service, the monthly charge for each resident will be \_\_\_ per month for water, and \_\_\_ per month for sewer.**

**An alternative is that if one or more of the residents agree to be responsible for the monthly charges to the master meter account formerly used by \_\_\_\_\_, then the approximate monthly bill will be \$ \_\_\_\_\_ for water, depending on use, and \$ \_\_\_\_\_ for sewer.** The responsible person would be obligated to pay the bill to the District and could be reimbursed by other tenants.

Whichever method of service you choose, the District will continue to make service available to all residential occupants as long as the account, in the future, is maintained current.

To become a direct customer of the District, you need to apply for service at the District's office at 1970 9<sup>th</sup> Avenue, Olivehurst. The district's staff can assist you in becoming a direct water and sewer customer and in answering your other questions. You are encouraged to contact an Account Clerk for the District at 743-\_\_\_\_\_.

You also may wish to consult with a legal adviser regarding this matter as well as regarding your individual rights. For example, if you become a direct customer, and your rent includes utility service, you may be able to deduct amounts paid to the District from your monthly rental. The California Rural Legal Assistance Center located at 511 D Street, Marysville, telephone 742-5191, has been recommended by the Yuba/Sutter Bar Association for this purpose.

**If arrangements are not made by all occupants of the \_\_\_\_\_ to take direct service, or by one or more to accept responsibility for the master meter charges from and after \_\_\_\_\_, then the District will have no option but to terminate service to the \_\_\_\_\_ in accordance with its rules and regulations effective on or about \_\_\_\_\_.**

If you wish to communicate with the District in connection with the ability to obtain independent service or to assume the obligations of the \_\_\_\_\_ mobile home park, please come to the District office at 1970 9<sup>th</sup> Avenue, Olivehurst, or telephone us at 743-\_\_\_\_, between the hours of \_\_\_\_\_ and \_\_\_\_\_.

**Tim Shaw, General Manager  
Olivehurst Public Utility District**