

ORDINANCE NO. 2019-01

**A ORDINANCE OF THE MALAGA COUNTY WATER DISTRICT
AMENDING CHAPTER FOUR OF TITLE 2 OF THE MALAGA CODE TITLED
“BILLING” AND CHAPTER EIGHT OF TITLE 2 OF THE MALAGA CODE TITLED
“METERS”**

WHEREAS, the Malaga County Water District ("Malaga") has the authority pursuant to Water Code §§ 31024 and 31025 to establish rules and regulations for the sale, distribution and use of water and to fix and collect rate and charges for such water service; and

WHEREAS, Malaga has, through a grant and low interest loan from the State Water Resources Control Board, replaced and/or installed water meters on every service connection to the District's water system to, among other things, eliminate unmetered water service and establish a uniform system of collecting water use data and billing customers for their water use; and

WHEREAS, these changes will require minor amendments to the District's Ordinance Code relating to customer billing and water meter regulation to require all customers of the District to have metered water service and to increase the efficiency of Malaga's customer billing system.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE MALAGA COUNTY WATER DISTRICT as follows:

SECTION 1: RECITALS

The forgoing recitals are true and correct and incorporated herein by this reference.

SECTION 2: Section 030 of Chapter 04 of Title 2 of the Malaga County Water District Code is hereby amended to read as follows:

"2.04.030 Payment of Bills.

Bills for water service shall be rendered at the end of each billing period to include the charges for that billing period. Bills shall be payable upon presentation and due on or before the last day of the month in which they are sent. If the last day of the month falls on a weekend or holiday, then bills shall be due on the next business day.

On each bill for water Service rendered by the District there shall be printed in substantially the following form:

If this bill is not paid on or before the last day of the month in which the bill is sent for the prior billing period, Service may be discontinued. A re-

connection charge and penalties will be charged to the account and collected prior to renewing service following discontinuance. Additionally, accounts not paid on or before the last day of each month shall be considered delinquent and subject to penalty in an amount set forth in the Master Schedule of Fees, Charges, Penalties and Recovered Costs and are subject to collection by the District, including collection by placing the delinquent amount on the Fresno County Tax Roll pursuant to Water Code §31701 et. seq.”

SECTION 3: Section 050 of Chapter 4 of Title 2 is hereby amended to read as follows:

“2.04.050 Delinquent Accounts-Penalty.

Accounts not paid on or before the last day of each month in which the bill was sent shall be considered to be delinquent accounts. Delinquent accounts shall incur a penalty in an amount set forth in the Master, Schedule of Fees, Charges, Penalties and Recovered Costs.”

SECTION 4: Section 010 of Chapter 8 of Title 2 of the Malaga County Water District Code is hereby amended to read as follows:

“2.08.010 Meter Reading.

Meters will be read as nearly as possible on the same day of each month. Billing Periods may be monthly or bimonthly as determined by the Board pursuant to MCWDC Section 2.04.010.”

SECTION 5: Section 030 of Chapter 8 of Title 2 of the Malaga County Water District Code is hereby amended to read as follows:

“2.08.030 Adjustment for Meter Errors-Slow Meters.

If a meter tested at the request of a customer pursuant to MCWDC Section 2.08.090 is found to be more than five percent (5%) slow, the District may bill the customer for the amount of the undercharge, based upon corrected meter readings, for the period(s) that the meter was in use, not exceeding six (6) months.”

SECTION 6: Section 050 Chapter 8 of Title 2 of the Malaga County Water District Code is hereby amended to read as follows:

“2.08.050 Meters Required.

All customers receiving water Service from the District shall be equipped with a meter.”

SECTION 7: California Environmental Quality Act: The Directors having considered the Staff Report and all public comments, has determined that the amendment is not a project under the California Environmental Quality Act because the amendment has no potential for resulting in a physical change in the environment. Since the amendment is not a project, no environmental documentation is required.

SECTION 8: Severability: If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The Directors hereby declare that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases have been declared invalid or unconstitutional.

SECTION 9: Effective Date and Posting of Ordinance: This Ordinance shall be effective immediately upon adoption. The District Sectary shall publish a summary of the Ordinance within fifteen (15) days after adoption with the names of the Directors voting for and against this Ordinance. Additionally, the Secretary shall post a certified copy of the full text of this Ordinance with the names of the Directors voting for and against this Ordinance in the office of the District. (Water Code §31027.)

* * * * *

WHEREFORE, this Ordinance was passed and adopted by the Board of Directors of the Malaga County Water District this _____ day of _____, 2019 by the following vote:

AYES:

NOES:

ABSENT:

CERTIFICATION

I, Jim Anderson, duly qualified, appointed, and acting Secretary of the Malaga County Water District do hereby certify that the foregoing is a true statement of the action taken by the Board of Directors of the District at a regular meeting of the Board held on _____ 2019.

MALAGA COUNTY WATER DISTRICT

Dated: _____, 2019

By: _____
Jim Anderson, Secretary of the
Malaga County Water District