

RESOLUTION NO. 210

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MENDOCINO CITY COMMUNITY SERVICES DISTRICT ESTABLISHING FORMAL PROCEDURES FOR THE COLLECTION OF DELINQUENT SERVICE CHARGES

WHEREAS, severe financial and administrative hardships are imposed upon the Mendocino City Community Services District (District) by delinquent or nonpayment of service charges; and

WHEREAS, the District has adopted Ordinance No. 88-2, an Ordinance providing for disconnection of sewer service for nonpayment of fees; and

WHEREAS, Ordinance No. 96-1 establishes the right to make unpaid delinquent District services charges a lien against real property; and

WHEREAS, Ordinance No. 99-1 establishes penalties for nonpayment of District service charges, and defines when a service charge is delinquent; and

WHEREAS, the monthly service charge for commercial service is due and payable upon receipt and is considered delinquent if not paid on or before the 10th day of the following month, and a quarterly service charge for residential service is due and payable upon receipt and is considered delinquent if not paid by the 10th day of the first month of the following quarter.

WHEREAS, the District established formal procedures in Resolution 163 to implement the provisions for disconnection of sewer service contained in Ordinance No. 88-2.

NOW, THEREFORE BE IT RESOLVED, by the Board of Directors of the Mendocino City Community Services District that the procedures for the collection of delinquent service charges are as follows:

1. In the event any charge remains unpaid following the date upon which it becomes delinquent, there shall be added to such charge a basic penalty of 10% of the amount due.
2. After a commercial account is 3-months delinquent or a residential account is 3-quarters delinquent, a Notice of Intent to record a lien for nonpayment of service charges shall be given to a property owner by the District Secretary. The notice shall be sent to the property owner by the District Secretary by ordinary mail not less than ten (10) days prior to recording the lien.
3. Following the mailing of the Notice of Intent to file a lien for delinquent fees, the District Secretary shall provide the District's Attorney with delinquent account information, and request that a lien be recorded against the real property for which such charges are due and unpaid.
4. After a commercial account is 3-months delinquent or a residential account is 3-quarters delinquent, the District may initiate a collection action in Small Claims Court for a delinquent account not to exceed \$7,500.00.
5. The Board of Directors shall review a delinquent account to consider disconnection of sewer service for nonpayment of fees at its next regular meeting after a commercial account becomes delinquent for 3-months or a residential account is delinquent for 3-quarters.
6. If the Board of Directors elects to implement disconnection of sewer service to the property for nonpayment of service charges, Resolution 163 procedures shall be followed:
 - The District Superintendent or the District's Attorney, with authorization from the Board of Directors, shall notify the user by certified mail and advise the user

of the total amount due and payable in order to avoid disconnection of their sewer services.

- Further, the District Superintendent or the District's Attorney shall advise the user that they have fourteen (14) days from the date of the certified letter to bring their account up to date, and if full payment is not remitted, or a payment arrangement has not been authorized by the Board, their services will be disconnected.
 - The District Superintendent shall estimate the cost of the disconnect and reconnect and in the same certified letter advise the user that a deposit of the estimate will be required, plus payment of all delinquencies, before the sewer will be reconnected.
 - Following payment of all delinquencies including the deposit for disconnection and reconnection, sewer service will be reconnected within ten (10) working days.
 - Once the service is reconnected, the user shall be refunded the balance of his/her reconnect deposit, if any, or billed for any additional cost in excess of the deposit paid.
 - At least ten (10) working days prior to disconnection, the District Superintendent shall notify the County Department of Health in writing of the District's intention to disconnect.
 - The County Health Department will be notified within three (3) working days after the sewer is reconnected.
7. During any periods of disconnection, the use of any such premises shall constitute a public nuisance. The District may cause proceedings to be brought for abatement of any use of said premises during the period of disconnection. In such event, as a condition of reconnection, the District shall be paid reasonable attorney fees and costs.
8. The remedies for collection and enforcement of delinquent service charges are cumulative, and may be pursued alternatively or consecutively as the District Board of Directors determines appropriate.

This resolution was passed and adopted by the Board of Directors of the Mendocino City Community Services District at a regular meeting thereof held on the 1st day of June 2009, by the following vote:

AYES:

NOES:

ABSENT:

President of the Board

ATTEST:

Jodi Mitchell, District Secretary