

BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

Resolution No. 312

Service Termination Procedures

THE BOARD OF DIRECTORS OF THE BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT HEREBY RESOLVES AS FOLLOWS:

1. Water service, once established pursuant to application, shall be terminated only for the reasons and in the manner set forth herein. However, anyone using district water other than through an established water service shall be subject to termination of such use forthwith and without notice.
2. The following shall be grounds for termination of water service:
 - a. Nonpayment of any deposit, use charge, base charge, connection fee, installation charge, sewer use permit fee, sewer service charge, lateral testing and repair charge, or other sum due the district with respect to the service proposed to be terminated or any sewer service.
 - b. Failure to comply with any district condition, rule or regulation with respect to the service proposed to be terminated or any sewer service.
 - c. Failure to pay any other obligation to the district for which the consumer has agreed in writing to termination of water service in the event of nonpayment.
3. Sewer service, once established pursuant to application, shall be terminated only for the reasons and in the manner set forth herein. However, anyone using district sewer other than through an established sewer connection shall be subject to termination of such use forthwith and without notice.
4. The following shall be grounds for termination of sewer service:
 - a. Nonpayment of any deposit, use charge, base charge, connection fee, installation charge, sewer use permit fee, sewer service charge, lateral testing and repair charge, or other sum due the district with respect to the service proposed to be terminated.
 - b. Failure to comply with any district condition, rule or regulation with respect to the service proposed to be terminated.
 - c. Failure to pay any other obligation to the district for which the consumer has agreed in writing to termination of sewer service in the event of nonpayment.
5. The procedure for termination of water or sewer service shall be as follows: At least 15 days prior to termination of service, the district shall send by first class mail to the

consumer at the post office address furnished to the district a notice of termination setting for the following:

- a. The date on or after which service will be terminated, or the date on or after which service will be terminated if a specified payment is not made or compliance had with a specified district condition, rule, or regulation;
 - b. The reason for termination;
 - c. A statement that the consumer has a right to a hearing before termination if a written request therefor is received by the district at least 7 days before the termination date.
6. If the district receives a timely written request for a pretermination hearing, it shall set such a hearing not sooner than 5 nor more than 15 days after receipt of such request. Upon setting of the hearing, the district shall forthwith give written notice of the time and place thereof to the consumer by either first-class mail or personal delivery. Pending a decision by the hearing officer, service shall not be terminated.
 7. The pretermination hearing shall be held before a hearing officer who shall be the general manager, or his/her designee. The consumer or his representative may present witnesses, documents or other evidence to show good cause why service should not be terminated. The hearing shall include consideration of whether the consumer should be permitted to amortize any unpaid balance over a reasonable time period. The hearing officer may also examine district records, documents, witnesses or other evidence tending to show that the service should be terminated for one or more of the grounds stated above.
 8. The hearing officer shall render a written decision whether service will be terminated and specifying the reasons for his decision. The hearing officer may incorporate any reasonable conditions in his decision. The hearing officer's decision shall be forthwith transmitted to the consumer by either first-class mail or personal delivery and shall include notification to the consumer of the right to appeal the hearing officer's decision to the board of directors as described in paragraph (9) below. If the decision is to terminate service, the decision shall state the date on or after which the service will be terminated, which date shall be not earlier than 7 days after mailing or delivery of the decisions, nor earlier than the termination date specified in the original notice of termination. If the decision is to permit continued service on condition that the consumer pay the unpaid balance pursuant to an installment schedule, then such consumer's service may not be terminated if he is in compliance with such schedule and not delinquent in payment of any subsequent charges. If the consumer fails to comply with such schedule, his service may be terminated without the right to further hearing upon at least 7 days' prior notice sent by first class mail to the consumer at the post office address furnished to the District.
 9. The consumer or anyone may appeal the hearing officer's decision to the board of directors if a written appeal is delivered to the district within 7 days after the date the hearing officer's decision is mailed or delivered to the consumer. No special form of appeal is required. If the district receives a timely appeal, it shall set an appeal hearing

10. before the board of directors at a regular or special meeting at least 5 days after receipt of the appeal. Upon setting the appeal hearing, the district shall forthwith give written notice of the time and place thereof to the consumer by either first-class mail or personal delivery. Pending a decision by the board of directors, service will not be terminated.
11. At the appeal hearing the board of directors shall consider the matter de novo. The consumer or his representative may present witnesses, documents or other evidence to show good cause why service should not be terminated. The hearing shall also include consideration of whether the consumer should be permitted to amortize any unpaid balance over a reasonable time period. The board may also examine district records, documents, witnesses or other evidence tending to show that service should be terminated for one or more of the grounds stated above.
12. At the conclusion of the hearing the board shall render its decision by motion recorded in the district minutes. The decision may incorporate any reasonable conditions and shall be forthwith transmitted to the consumer by either first-class mail or personal delivery. If the decision is to terminate service, the decision shall state the date on or after which the service will be terminated, which date shall not be earlier than 72 hours after mailing or delivery of the decision, nor earlier than the termination date specified in the original notice of termination. If the decision is to permit continued service on condition that the consumer pay an unpaid balance pursuant to an installment schedule, then such consumer's service may not be terminated if he is in compliance with such schedule and is not delinquent in payment of any subsequent charges. If the consumer fails to comply with such schedule, his service may be terminated without the right to further hearing upon at least 7 days' prior written notice sent by first class mail to the consumer at the post office address furnished to the District.
13. Termination of service may be made, after the prescribed notice, at any time when the district's business office is open to the public, but shall not be made on a Saturday, Sunday, or legal holiday.
14. Notwithstanding the foregoing, emergency termination of any service may be made at any time with or without notice if in the opinion of the district continued service would create or continue a condition hazardous to the health or safety of the consumer or the public. Service shall be restored after any emergency termination as soon as such hazardous condition or threat thereof is eliminated.
15. If the District approves the reactivation of a terminated service for any reason other than an emergency termination described in paragraph (13), above, a consumer must first pay the District a reactivation fee of \$200.00.
16. This Resolution supersedes all previous resolutions re service termination procedures.

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PASSED AND ADOPTED this 12th day of July, 1989, by the following vote of the

Board:

AYES: Amoroso, Cooper, Kayfetz, McClellan

NOES: None

ABSENT: Pierce

/s/ Jack McClellan

President, Board of Directors

attest:

/s/ Phil Buchanan

secretary

As amended effective September 18, 2013.