

BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

Resolution No. 609

Establishing District Policy Concerning Suspended Water Service.

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WHEREAS, the Bolinas Community Public Utility District ("BCPUD") has enacted numerous past resolutions pertaining to "abandoned" or "suspended" water service connections within the district;

WHEREAS, the above-referenced set of past resolutions, when read together and in their entirety, establish that "abandoned" or "suspended" water service connections are connections which are not in use because they have been duly deemed abandoned or suspended by the BCPUD due to specified conduct by the customer, including failure to pay the annual water service charge, failure to pay the quarterly metered water bill, willful failure to provide access to the water meter or willful damage to the meter or its connections and service lines;

WHEREAS, the above-referenced set of past resolutions, when read together and in their entirety, further establish that an "abandoned" or "suspended" water service connection does not cease to exist but rather may be reactivated from its abandoned or suspended state by the customer's payment of all past due fees, charges and assessments, plus interest, plus payment of a re-activation charge of \$2,000; and

WHEREAS, the Board of Directors of the BCPUD wishes to revise and consolidate this body of resolutions into this single resolution to facilitate the public's understanding of the district's policy with regard to abandoned or suspended water service connections and to make clear that the BCPUD will no longer deem a water service connection to be abandoned or suspended, but rather the customer may request the same as provided herein;

THEREFORE, BE IT RESOLVED by the Board of Directors of the BCPUD as follows:

1. BCPUD Resolutions 238, 248, 258, 439 and 440, all of which address the subject of abandoned or suspended water service, are hereby rescinded.
2. This resolution does not apply to the BCPUD's termination of a customer's water service. The BCPUD may terminate a customer's water service for the reasons and following the procedures established in BCPUD Resolution 247, which remains in full force and effect. As stated in BCPUD Resolution 247, water service may be terminated by the BCPUD due to the customer's nonpayment of any amounts due to the district with respect to the subject water service or the customer's failure to comply with any district condition, rule or regulation with respect to the subject water service or if continued service would create or continue a condition hazardous to the health or safety of the customer or the public.
3. The district henceforth will not deem water services to be "abandoned" or "suspended"; rather, a customer may request suspension of his or her water service as provided herein.
4. A customer may request the suspension of his or her water service by submitting a written request to the Board of Directors of the BCPUD attesting that any and all buildings on the property served by the water service identified for suspension either are otherwise served by

another connection to the BCPUD's water distribution system, or have been destroyed or otherwise removed from the property. District staff will inspect the property to verify the customer's attestation.

5. The BCPUD Board of Directors will act to either approve or deny the customer's request for suspension of water service at the next regularly scheduled meeting of the Board following the district's receipt of the customer's written request for suspension.

6. Upon approval of a request for suspension, the district will discontinue the subject water service to the customer's property and the district's applicable annual water service fee will not be charged to the customer for this water service beginning with the commencement of the next fiscal year following approval of the customer's request and continuing until such time as the customer reactivates his or her water service by following the requirements set forth below.

7. Notwithstanding paragraph 6, above, the annual water service fees for the subject water service will continue to accrue and for the subject water service, plus interest, and remain the responsibility of the customer (or any subsequent owner of the property formerly served by the suspended water service) to pay upon reactivation as more fully explained below, unless otherwise approved by the BCPUD Board of Directors at a duly noticed public meeting of the Board. All customers with suspended water service have a duty to disclose the status of their water service and the requirements for reactivation to any prospective purchasers of the property formerly served by the suspended water service.

8. Upon request of a customer with a suspended water service, the district will provide a written accounting of all accrued but unpaid annual water service fees, plus interest to-date.

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9. A customer may activate his or her suspended water service at any time by payment to the district of:

- a. all accrued but unpaid annual water service charges, plus interest, as calculated by the district;
- b. a reactivation fee of \$2,000.00; and
- c. all transfer costs, if applicable per BCPUD Ordinance 38.

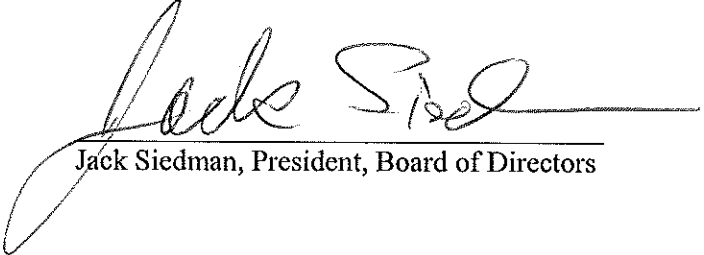
PASSED AND ADOPTED at a regular meeting of the Board of Directors of the BCPUD on this 21st day of March 2012 by the following vote:

AYES: AMOROSO, BENDER, KIMBALL, SIEDMAN, SMITH


NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

  
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Jack Siedman, President, Board of Directors

Attest:

  
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Secretary