

OLIVEHURST PUBLIC UTILITY DISTRICT

ORDINANCE NO. 210

**AN ORDINANCE ESTABLISHING LANDOWNER RESPONSIBILITY
FOR ALL ACCOUNTS OPENED AND/OR TRANSFERREDAFTER
THE EFFECTIVE DATE HEREOF AND ESTABLISHING RULES
INCIDENTAL THERETO APPLICABLE TO AMORTIZATION AND
COLLECTION OF DELINQUENT BILLINGS**

The Board of Directors of the Olivehurst Public Utility District does ordain as follows:

FINDINGS

WHEREAS, the Olivehurst Public Utility District (the “District”) is experiencing an increasing amount of delinquent and uncollectible accounts of tenants in dwellings served by the District; and,

WHEREAS, the District has allowed applications for service to be made in the name of the tenant as customer without approval of the landowner; and,

WHEREAS, applicable law and District policy provide for an opportunity to be afforded customers to amortize delinquent charges over time prior to shutoff for non-payment thereof; and,

WHEREAS, the District is authorized in accordance with the Public Utilities Code Sections 16469 – 16472.1 to add delinquent charges owed for service to any property to the annual property taxes collected thereon and/or as a lien against said real property; and,

WHEREAS, tenants availing themselves of the right to defer collection of delinquent charges are frequently breaching said amortization agreements, and moving out of the District, resulting in their delinquencies being uncollectible, and causing said delinquent charges to remain unpaid, and a burden on other District customers, unless collected from the landowner, or otherwise levied against the landowner’s property as described above, without the prior knowledge of the landowner; and,

WHEREAS, the Board of Directors of District believes it is in the best interest of the District and the public served by it that it establish rules requiring that applications for service to all District customers be made by the landowner and that application of the rules for deferred payment of delinquencies be made only with the knowledge of the landowner.

NOW THEREFORE be it enacted by the Board of Directors of the Olivehurst Public Utility District:

Section 1. From and after the effective date hereof, each application for new service or transfer of service must be signed and submitted by, and the account opened in the name of or transferred to, the property owner of the service address. Existing accounts in the name of the tenant will be serviced until termination of service or transfer, at which time an application for service from the landowner will be required.

Section 2. Monthly bills will be sent to the property owner's address of record. Upon request, as a courtesy, a copy of the bill will be sent monthly to the tenant/occupant of the property receiving service.

Section 3. Account payments will be accepted from either a property owner or a tenant/occupant. Acceptance of payment by a person or entity other than the property owner will not modify or limit the continuing responsibility of the property owner for payment of all charges. Any payment that is disallowed due to insufficient funds, or other failure of consideration, will be charged to the account of the property owner.

Section 4. All tenants who, in response to a notice of termination of service for the tenant's failure to pay service charges, request amortization of the delinquent charges in accordance with District policy, or an extension of time to pay a delinquent bill, must provide the District with the current name and address of the property owner. Notice of such amortization or extension agreement, and that failure to pay the delinquent charges will result in discontinuance of service to the land until the delinquency is paid by the current tenant or the landlord, will be mailed to the property owner. Failure to provide the property owner's name and address, or the submission of false or inaccurate information, will be considered a violation of the time extension or amortization agreement.

Section 5. This Ordinance will be effective upon the 30th day after its passage, as described below. The Clerk of the District is authorized, not later than one week before the expiration of said 30 day period, to post this ordinance at three public places in the District, and to publish this ordinance in a newspaper of general circulation within the District in accordance with Government Code 6061.

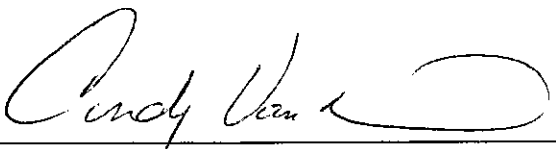
PASSED AND ADOPTED THIS 21ST DAY OF OCTOBER, 2010.

OLIVEHURST PUBLIC UTILITY DISTRICT



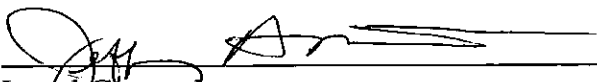
President, Board of Directors

ATTEST:



District Clerk & ex-officio Secretary

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY



Legal Counsel

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I hereby certify that the foregoing is a full, true and correct copy of an Ordinance 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 21st day of October, 2010, by the following vote:

AYES, AND IN FAVOR THEREOF: DIRECTOR PATTY, KING, HOLLIS,
DOUGHERTY, AND MORRISON.

NOES, : NONE.

ABSTAIN : NONE.

ABSENT : NONE.



District Clerk & ex-officio Secretary