

OLIVEHURST PUBLIC UTILITY DISTRICT

ORDINANCE NO. 210.1

**AN ORDINANCE RESCINDING ORDINANCE NO. 210, CONTINUING THE
POLICY OF LANDOWNER RESPONSIBILITY
FOR ALL ACCOUNTS, AUTHORIZING SERVICE TO TENANTS AS
CUSTOMER OF RECORD,
AND ESTABLISHING RULES INCIDENTAL THERETO**

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

WHEREAS, applicable law and District policy provide for: (i) an opportunity to be afforded customers to amortize delinquent charges over time prior to shutoff for non-payment thereof; and, (ii) an opportunity for tenants to become customers of record in the event of a landowner delinquency; 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 or other property owned by the landowner within Yuba County; and,

WHEREAS, some tenants availing themselves of an agreement to defer collection of delinquent charges are breaching said amortization agreements, and moving out of the District, resulting in their delinquencies becoming uncollectible, and causing said delinquent charges to remain unpaid and a burden on other District customers, unless they are guaranteed by the landowner, or may otherwise be levied against the landowner's property as described above; and,

WHEREAS, on October 21, 2010, the Board of Directors did adopt Ordinance 210, requiring that only landowners were allowed to make applications for service and making other provisions regarding payment of delinquent charges; and,

WHEREAS, Landowners who are complying with Ordinance 210, that have required tenants to pay all utilities in accordance with their individual leases, have advised the District that such tenants, even if delinquent, are attempting to defer shut-off of service by requesting to become the District's "customer of record" thereby imposing additional costs on landowners; 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 modify Ordinance No. 210 to maintain its rules requiring that applications be made by the landowner, while, if requested by landowner, offering the option of the tenant becoming customer of record provided the District has secured a landowner guaranty of charges unpaid by tenants..

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

Section 1. Ordinance No. 210 is rescinded.

Section 2. 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 that are solely 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. An application for service from a landowner shall remain effective and on file unless ownership of the service address should change.

Section 3. If requested by a landowner, the District shall designate a tenant to be accepted as "customer of record", provided an application for service from the tenant is submitted, along with a Consent and Guaranty executed by the landowner.

Section 4. If the landowner is the customer of record, monthly bills will be sent to the property owner's address of record. Upon request, a courtesy copy of the bill, along with any notices of delinquency and/or shutoff, will be sent monthly to the tenant/occupant of the property receiving service.

Section 5. If the tenant is the customer of record in accordance with this Ordinance, monthly bills will be sent to the tenant at the service address. Upon request of the landowner, a courtesy copy of the bill, including any notices of delinquency and/or shutoff, will be sent to the landowner's address of record.

Section 6. Account payments will be accepted from either the landowner or a tenant/occupant. Acceptance of payment by a person or entity other than the customer of record established under this Ordinance will not modify or limit the continuing consent


and guaranty of the property owner of payment of all charges, including delinquency penalties and fees.

Section 7. Unless a landowner's application and Guaranty and Consent are on file with the District in accordance with this Ordinance, requests from tenants for amortization of delinquent charges in accordance with District policy, or for an extension of time to pay a delinquent bill, must be accompanied by the current name and address of the property owner. Notice of such amortization or extension agreement, including notice 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 8. 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.

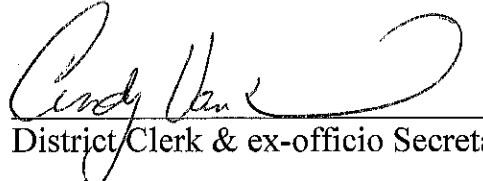
PASSED AND ADOPTED THIS 18th DAY OF JULY 2013.

OLIVEHURST PUBLIC UTILITY DISTRICT



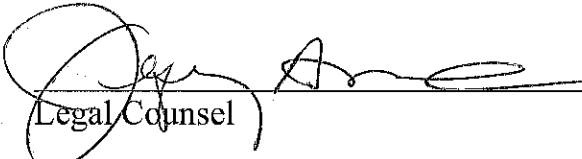
President, Board of Directors

ATTEST:



District Clerk & ex-officio Secretary

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY



Legal Counsel

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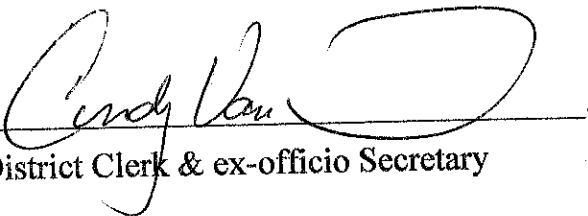
I hereby certify that the foregoing is a full, true and correct copy of an Ordinance duly adopted and passed by the Board of Directors of the Olivehurst Public Utility District, Yuba County, California, at a meeting thereof held on the 18th day of July 2013, by the following vote:

AYES, AND IN FAVOR THEREOF: Director Carpenter, Burbank, Bradford, Dougherty, and Phinney.

NOES, : None.

ABSTAIN : None.

ABSENT : None.


District Clerk & ex-officio Secretary