



# TRIUNFO SANITATION DISTRICT

A PUBLIC AGENCY

January 18, 2012

Board of Directors  
Triunfo Sanitation District  
Ventura County, California

## **ORDINANCE NO. TSD-73 – PRESCRIBING POLICIES AND PROCEDURES FOR OAK PARK WATER SERVICE OWNED AND OPERATED BY TRIUNFO SANITATION DISTRICT**

### SUMMARY

The Triunfo Sanitation District (TSD) Board adopted Ordinance No. TSD-37, (TSD-37) on May 20, 1996 and TSD-42 on August 25, 1997. TSD-37 prescribes policies and procedures for Oak Park Water Service and TSD-42 was an amendment to TSD-37. If approved, Ordinance Nos. TSD-37 and TSD-42 will be replaced by Ordinance No. TSD-73.

The most significant changes to Ordinance TSD-73 are:

1. The number of days to receive payment changed from nineteen days to twenty-five days.
2. The number of days to receive payment before shut-off changed from thirty-six days to forty-five days.
3. Provisions of requiring a deposit for new customers moving in and requiring a deposit for service disconnection due to nonpayment of bills.

On December 19, 2011, the Board conducted the first reading of Ordinance No. TSD-73 and directed staff to schedule a public hearing to receive input on the proposed changes to the prescribed policies and procedures for Oak Park Water Service. A summary of the proposed ordinance and notice of public hearing was published in the Ventura County Star on January 13 and 18, 2012.

### RECOMMENDATION

It is recommended the Board:

1. Conduct a public hearing regarding proposed Ordinance No. TSD-73 prescribing policies and procedures for Oak Park Water Service:

*Item 11-1*

- a. Call to order and open the public hearing.
  - b. Receive staff report and recommendations.
  - c. Report of written communications.
  - d. Public comment.
  - e. Close public hearing.
  - f. Discussion by Board of Directors
2. Conduct the second reading, by title only, of Ordinance No. TSD-73, Prescribing Policies and Procedures for Oak Park Water Service, and adopt Ordinance No. TSD-73 effective February 23, 2012.

If you have any questions, you may reach me at 805-658-4646.

*Vickie Dragan*  
VICKIE DRAGAN – DIRECTOR OF FINANCE

Enc.

APPROVED FOR JANUARY 23, 2012 AGENDA

*Mark Lawler*  
Mark Lawler - District Manager

# Certificate of Publication

Ad #296900

In Matter of Publication of:

Public Notice

State of California)

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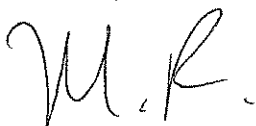
County of Ventura)

I, **Maria Rodriguez**, hereby certify that the **Ventura County Star Newspaper** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed in the City of Camarillo, for circulation in the County of Ventura, State of California; that I am a clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

Jan. 13, 18, 2012

I, Maria Rodriguez certify under penalty of perjury, that the foregoing is true and correct.

Dated this Jan. 18, 2012, in Camarillo, California, County of Ventura.



**Maria Rodriguez**  
(Signature)

**TRIUNFO SANITATION DISTRICT  
NOTICE OF PUBLIC HEARING AND  
ORDINANCE SUMMARY**

**NOTICE IS HEREBY GIVEN** that the Triunfo Sanitation District will hold a Public Hearing prior to consideration of adopting Ordinance No. TSD-73 entitled "Ordinance No. TSD-73, Prescribing Policies and Procedures for Oak Park Water Service Owned and Operated by Triunfo Sanitation District." A summary of Ordinance No. TSD-73 is published below. A complete copy of the proposed ordinance is available for examination during regular business hours in the District office of the Clerk of the Board, 1001 Partridge Drive, Suite 100, Ventura, CA, and on the web site [www.triunfosanitationdistrict.com](http://www.triunfosanitationdistrict.com).

The public hearing and action on the proposed ordinance has been set for Monday, January 23, 2012, at 5:15 p.m. in the Film and Lecture Room, Oak Park Library, 899 N. Kanan Road, Oak Park, CA. All persons interested in, or objecting to, adoption of said ordinance may then appear and be heard. Comments regarding the item may be made in person at the public hearing, in writing addressed to Triunfo Sanitation District, 1001 Partridge Drive, Suite 150, Ventura, CA, 93003-0704, Attn: Josie Guzman; by email to [josieguzman@vrzd.com](mailto:josieguzman@vrzd.com); or by fax to Josie Guzman at 805-658-4633.

**SUMMARY OF ORDINANCE NO. TSD-73  
PRESCRIBING POLICIES AND PROCEDURES FOR  
OAK PARK WATER SERVICE OWNED AND OPERATED  
BY TRIUNFO SANITATION DISTRICT**

Ordinance No. TSD-73 prescribes policies and procedures for Oak Park Water Service, owned and operated by Triunfo Sanitation District, related to the provision of water service to certain customers of Oak Park Water Service. The ordinance includes description of service; application for service; special information required on bill for service; special information required on penalty/discontinuance of service notice; notices to and from customers; provision and payment of bills; late payment penalty; disputed bills; discontinuance and restoration of service; information available to public; and continuity of service.

Ordinance No. TSD-73 is effective February 23, 2012.

To be published January 13 & 18, 2012, in the Ventura County Star. AD NO 296900

**TRIUNFO SANITATION DISTRICT  
ORDINANCE NO. TSD-73  
PRESCRIBING POLICIES AND PROCEDURES FOR  
OAK PARK WATER SERVICE  
OWNED AND OPERATED BY TRIUNFO SANITATION DISTRICT**

**WHEREAS**, the Triunfo Sanitation District ("District") is duly organized and established under the laws of the State of California, and as such is empowered to provide water service to its customers, and to impose certain fees and charges for and related to the provision of that water service; and

**WHEREAS**, the District, via Oak Park Water Service, provides retail water services to certain customers and, in accordance with applicable law, charges those customers certain fees designed to cover the District's wholesale purchase of potable water from Calleguas Municipal Water District, as well as operating and maintenance expenses associated with the District's provision of water service; and

**WHEREAS**, Health and Safety Code Section 4766 authorizes the District to adopt ordinances for the purpose of exercise and effect of any to its powers, or for the purposes for which it is formed, including, without limitation, an ordinance prescribing policies and procedures for the District's Oak Park Water Service; and

**WHEREAS**, this ordinance was available for public inspection and review ten (10) days prior to a public hearing and notice of the public hearing was given in compliance with Government Code Section 6062a; and

**WHEREAS**, after hearing a staff presentation, considering the testimony received at the public hearing and discussion of the issues, the Board of Directors concludes the reasonableness of the policies and procedures contained herein.

**NOW, THEREFORE**, the Triunfo Sanitation District Board of Directors ordains as follows:

**SECTION 1.           DEFINITIONS**

- |                     |   |
|---------------------|---|
| Applicant:          | The person, association, corporation, or governmental agency applying for water service.  |
| Board of Directors: | The Board of Directors of the Triunfo Sanitation District is comprised of five directly-elected individuals residing within the District. |
| Utility:            | Oak Park Water Service, operated by Triunfo Sanitation District, a public agency.   |

**Customer:** Any person, association, corporation, or governmental agency supplied or entitled to be supplied with water service for compensation by the utility.

**Elderly Customer:** Any residential customer who is age 62 or over. Proof of age must be supported by certificate of birth, driver's license, passport, or other reliable document.

**Handicapped Customer:** Any residential customer whose health or physical condition may qualify him for special consideration. Proof of handicap must be by certification from a licensed physician, public health nurse, or social worker.

**Premises:** The integral property or area, including improvements thereon, to which water service is, or is to be, provided.

**Metered Service:** Service for which the charges are computed on the basis of measured quantities of water.

**Flat Rate Service:** Service for which the charges are based upon the quantity of water provided for construction and fire fighting purposes.

**Residential Service:** Provisions of water for household purposes, including water used on the premises for irrigation of lawns, gardens and shrubbery; washing vehicles; and other similar and customary purposes pertaining to single or multiple family dwellings.

**Nonresidential Service:** Provision of water for use in connection with business, industrial, irrigation, or other nonresidential purposes.

**Date of Presentation:** The date upon which a bill or notice is mailed or delivered by the utility to the customer.

**Service Pipe:** The connection between the utility's mains and the service connection, including all of the pipe, fittings, and valves necessary to make the connection.

**Service Connection:** The point of connection of the customer's piping with the utility's meter or service pipe.

**SECTION 2. DESCRIPTION OF SERVICE**

**A. Quantities**

The utility will endeavor to supply water dependably and safety in adequate quantities to meet customers' reasonable needs and requirements.

**B. Pressures**

The utility will endeavor to maintain normal operating pressures of not less than 40 pounds per square inch nor more than 125 pounds per square inch at the service connection, except that during periods of hourly maximum demand the pressure at the time of peak seasonal loads may not be less than 30 pounds per square inch, and that during periods of hourly minimum demand the pressure may not be more than 150 pounds per square inch. Variations in pressure under normal operation will not exceed 50 percent of the average operating pressure.

**C. Quality**

Whenever furnished for human consumption or for domestic uses, the utility will endeavor to provide water that is wholesome, potable, in no way harmful or dangerous to health and, insofar as practicable, free from objectionable odors, taste, color, and turbidity.

**SECTION 3. APPLICATION FOR SERVICE**

**A. Application for Service**

**1. Content**

Each applicant for service may be required to sign, on a form provided by the utility, an application which will set forth:

- a. Date of application.
- b. Service address.
- c. Date applicant will be ready for service
- d. Name of applicant.
- e. Address to which bills are to be mailed or delivered.
- f. Purpose for which service is to be used.
- g. Whether applicant is owner, tenant of or agent for the premises.
- h. Such other information as the utility may reasonably require.

**2. Purpose**

The purpose of the application is merely to create a written request for service. It does not bind the applicant to take service for a period of time longer than that upon which the flat rate charge, minimum charge, or readiness to serve charge of the applicable rate schedule is based; neither does it bind the utility to serve, except under reasonable conditions. The utility may charge an application fee, pursuant to the most recent Ordinance adopted by the Triunfo Sanitation District Board of Directors to cover the administrative cost of opening the account.

11-6

**B. Individual Liability for Joint Service**

Two or more parties who join in one application for service shall be jointly and severally liable for payment of bills and shall be billed by means of single periodic bills.

**C. Change in Customer's Equipment or Operations**

A customer making any material change in the size, character or extent of the equipment or operations for which the utility's service is utilized shall immediately give the utility written notice of the extent and nature of the change.

**SECTION 4. SPECIAL INFORMATION REQUIRED ON FORMS**

**A. Bill for Service**

On each bill for service will be printed substantially the following language:

"All charges are due and payable when presented. Prompt payment at the Oak Park Water Service office located at 1001 Partridge Drive #150, Ventura, CA 93003-0704 is required. For customer convenience, there is an OPWS drop box located at the UPS Store at 638 Lindero Canyon Road, Oak Park. There is no other authorized paying station. Payments may be made by mail; however, it is the customer's responsibility to see that his/her payment reaches the Oak Park Water Service office on time. Charges will become delinquent if payment is not received within 25 days of the mailing date. Any balance carried forward to the following (second) billing will incur a 10% late payment penalty. Service will be discontinued if payment is not received within 45 days after presentation of the original statement.

"If the outstanding balance is carried forward to a third billing, an additional 1.5% penalty will be incurred on all outstanding charges, including any unpaid late payment fees. Such penalty shall continue thereafter at 1.5% per month on the outstanding balance until the entire amount is paid.

"Questions regarding charges should be addressed to Oak Park Water Service staff at (800) 613-0901. If a satisfactory explanation is not received and charges are still questioned, the customer should address a letter, accompanied by a check or money order in the amount of the disputed bill, to the Oak Park Water Service Finance Director at 1001 Partridge Drive, Suite 150, Ventura, CA 93003-5562. The Finance Director will review the situation and notify the customer within ten business days of any adjustment action."

The Finance Director will review issues that concern the accuracy of the questioned bill. Any other concerns should be addressed directly to the District Manager or Board of Directors at 1001 Partridge Drive, Suite 150, Ventura, CA 93003-5562.

**B. Penalty/Discontinuance of Service Notice**

Monthly bills (no balance carried forward) will be blue in color and have substantially the following message printed on the face of the bill:

"Due by MM/DD/YY. Subject to 10% late payment penalty if not received by MM/DD/YY."

Accounts that have an outstanding balance will receive a red bill for the outstanding balance plus the current month's charges with substantially the following message printed on the face of the bill:

"ATTENTION! Outstanding balance and current charges must be received by MM/DD/YY to prevent service interruption. Contact the OPWS office at 800-613-0901 to arrange payment. NO FURTHER NOTICE WILL BE GIVEN."

**SECTION 5. NOTICES**

**A. Notice to Customers**

**1. In Writing**

Notice to a customer will normally be in writing and, depending on the type of notice, will either be delivered or mailed to the customer's last known address.

**2. Exception**

In emergencies or when circumstances warrant, the utility, where feasible, will endeavor to promptly notify the customer affected and may make such notification orally, either in person or by telephone.

**3. Discontinuance of Service**

- a. The utility shall post in a conspicuous location at the premises, a notice of discontinuance of service at least 48 hours prior to discontinuation.
- b. For known elderly or handicapped residential customers, the utility shall provide at least 48 hours' notice of discontinuance by

telephone or in person. For these customers, if personal contact cannot be made, a notice of discontinuance of service shall be posted in a conspicuous location at the service address at least 48 hours prior to discontinuance.

- c. Whenever the utility furnishes residential service through a master meter or whenever individually metered residential service is furnished in a multiunit residential structure or mobilehome park, where the owner or manager is listed by the utility as the customer of record, the utility shall make every good faith effort to inform the residents, by means of a notice, that service will be discontinued within ten days as outlined in Section 8. The notice shall further inform the residents that they have the right to become utility customers, to whom the service will be then billed, without being required to pay any amount which may be due on the delinquent account.
- d. The discontinuance and restoration of service procedure in outlined in Section 8.

**B. Notice from Customers**

1. A customer may give notices in person, by telephone or by letter to the utility at the Water Service office, or to an authorized representative of the utility.
2. Customers who are elderly or handicapped must have presented evidence to the utility establishing their status if they wish to qualify for consideration under the rules and regulations contained herein.
3. Elderly or handicapped customers who desire third-party notification must so inform the utility with certification of status and with a letter from the third party accepting the responsibility.

**SECTION 6. PROVISION AND PAYMENT OF BILLS**

**A. Provision of Bills**

Bills for service will be provided to each customer on a monthly basis unless otherwise provided in the current Ordinance governing the rate schedule.

**1. Metered Service**

- a. Meters will be read at regular intervals for the preparation of periodic bills and as required for the preparation of opening bills, closing bills, and special bills.

- b. It may not always be practicable to read meters at intervals which will result in billing periods of an equal number of days.
  - 1) Should a monthly billing period contain less than 27 days or more than 33 days a pro rata correction in the amount of the bill will be made.
  - 2) For billing periods other than monthly, adjustments will be made proportionate to that for a monthly billing period.
- c. Bills for metered service will show at least the reading of the meter at the end of the period for which the bill is rendered, the meter constant, if any, the number and kinds of units, and the date of the current meter reading.
- d. Each meter on a customer's premises will be considered separately and the readings of two or more meters will not be combined except where combination of meter readings is specifically provided for in the applicable rate schedule, or where the utility's operating convenience or necessity may require the use of more than one meter or a battery of meters. In the latter case, the monthly minimum or readiness-to-serve charge will be prorated from the monthly minimum or readiness-to-serve charge of the applicable rate schedule upon the basis of a meter size equivalent in diameter to the combined discharge areas of such meters.

## **2. Flat Rate Service**

For billing periods other than monthly, the charge for flat rate service will be computed by multiplying the monthly charge by the number of months, or portion thereof, in the billing period.

## **3. Deposit**

Deposits are required on all new customer accounts at start of service as prescribed in the District's fee schedule. Deposits are due upon application. Such deposit will appear on the customer's first billing. In lieu of deposits, customer may obtain a letter from a Utility Company stating that the customer have been in good standing with the utility company in paying their bills on time for twelve consecutive months. Customers will have fourteen days to provide the Utility Company letter to the Oak Park Water Service.

a. Application of Deposit

1. The deposit shall be returned to the customer in the form of a credit to the customer's account or may be refunded to the customer if the customer requests in writing to be refunded provided the customer's account has been in good standing for twelve consecutive months or .
2. The initial deposit shall be returned to the customer in the form of a credit to the customer's account provided the Oak Park Water Service receives within fourteen days from the start of service the Utility Company letter stating the customer has been in good standing in paying their bills on time with the utility company for twelve consecutive months.

b. Deposit for Service Disconnection

If it becomes necessary to disconnect the service of any customer because of recurring nonpayment of bills, then such customer shall be required to pay a deposit as stated in the District's fee schedule and will escalate based on the amount of the billing. After twelve months' consecutive timely payment of bills, said deposit shall be credited to the next bill.

c. Refund of Deposit

Upon discontinuance of service, all deposits that have not been returned or credited will be applied to the Customer's closing bill and the excess, if any, will be returned to the person in whose name the original deposit was made. If the amount to be returned is less than one dollar, no refund will be made except upon written request.

d. Forfeit of Deposit

Customers who move from the area and leave no forwarding address and having a deposit in excess of the amount due to the Oak Park Water Service shall forfeit their deposit if unclaimed after a period of six months.

**4. Proration of Bills**

The charges applicable to opening periods, closing bills and bills rendered for periods corresponding to less than 27 days or more than 33 days for monthly billing periods will be computed at follows:

11-11

a. Metered Service

The amount of minimum charge (and the quantity allowed therefore) or the readiness-to-serve charge and the quantity in each of several quantity rate blocks will be prorated on the basis of the ratio of the number of days in the period to the number of days in an average billing period. The measured quantity of usage will be applied to such prorated amounts and quantities.

b. Flat Rate Service

The billing period charge will be prorated on the basis of the ratio of the number of days in the period to the number of days in an average billing period.

c. Average Billing Period

The number of days in an average billing period is defined as 365 days divided by the number of billing periods in one year (30.4 days for a monthly billing period).

**B. Payment of Bills**

Bills for service are due and payable upon presentation, and payment may be made at the Oak Park Water Service office or to any representative of the utility authorized to make collections. Payment of closing bills must be made at the time of presentation.

**C. Late Payment Penalty**

Monthly bills for service will be considered past due if payment is not received within 25 days of the mailing date. A 10% late payment penalty will be applied to the balance due at the time of the next (second) billing. Should the balance not be received before the subsequent (third) regular billing, an additional 1.5% late payment penalty will be applied to all outstanding charges (including unpaid late payment penalties) and continue each month thereafter until the balance is paid in full.

**D. Special Payment Schedules**

Oak Park Water Service office staff may agree to special payment schedules to assist customers in avoiding discontinuance of service; however, late payment penalties will be assessed in accordance with this Ordinance, and may not be waived. Special payment agreements must be made in advance of service interruption and may extend for up to six

months. In all cases, current charges must be paid in full each month along with the full amount of the special payment and any late payment penalties assessed. Such payments must be received within 25 days after each bill is mailed to avoid discontinuance of service.

## **SECTION 7. DISPUTED BILLS**

### **A. Correctness of Bill**

Any customer who has initiated a complaint to the utility or requested an investigation by the utility within five days of receiving a contested bill shall be given an opportunity for review of such complaint or investigation by the Oak Park Water Service Finance Director. The review shall include consideration of whether or not the customer should be permitted to amortize the unpaid balance of his/her account over a reasonable period of time.

### **B. Notice of Deposit to Avoid Discontinuance**

If an explanation satisfactory to the customer is not made by the utility and the bill is not paid within 25 days after its presentation or at the time the explanation is made, whichever is longer, the utility will notify the customer in writing substantially as follows:

"To avoid discontinuance of service, in lieu of paying the bill in question, the residential customer within 15 days and the non-residential customer within 7 days of the date of this notice, must deposit with the Water Service Finance Director, 1001 Partridge Drive, Suite 150, Ventura, CA 93003-5562, the amount of the bill claimed by the utility to be due."

### **C. Oak Park Water Service Finance Director Appeal**

When a customer and the utility fail to agree on a bill for service:

1. To avoid discontinuance of service, in lieu of paying the disputed bill, the customer may deposit with the Oak Park Water Service Finance Director at 1001 Partridge Drive, Suite 150, Ventura, CA 93003-5562, the amount claimed by the utility to be due.
2. Checks or other forms of remittance for such deposit should be made payable to Oak Park Water Service and should be accompanied with the bill in question and a statement setting forth the basis for the dispute of the amount of the bill.
3. Upon receipt of the deposit, the Finance Director will review the basis of the billed amount, and will advise both parties of its findings and disburse the deposit in accordance therewith.

4. Service will not be discontinued for nonpayment of the disputed bill when deposit has been made with the Finance Director pending the outcome of the Finance Director's review.
5. Failure of the customer to make such deposit prior to the expiration of the discontinuance of service notice as given in Section 7.B. will warrant discontinuance of service.
6. If before completion of the Finance Director's review, additional bills become due which the customer wishes to dispute, he/she shall also deposit with the Finance Director the additional amounts claimed by the utility to be due and failure to do so will warrant discontinuance of his/her service in accordance with Section 8.

## **SECTION 8. DISCONTINUANCE AND RESTORATION OF SERVICE**

### **A. Customer's Request for Discontinuance of Service**

1. A customer may have service discontinued by giving not less than two days' advance notice thereof to the utility. Charges for service may be required to be paid until the requested date of discontinuance or such later date as will provide not less than the required two days' advance notice.
2. When such notice is not given, the customer will be required to pay for service until two days after the utility has knowledge the customer has vacated the premises or otherwise had discontinued water service.

### **B. Discontinuance of Service by Utility**

#### **1. For Nonpayment of Bills**

- a. Monthly bills will be considered past due if payment is not received within 25 days of the mailing date.
- b. An outstanding balance shall appear on the subsequent monthly bill as a "Previous Balance". The bill shall clearly state "Outstanding balance and current charges must be received by MM/DD/YY to prevent service interruption." This date shall be no earlier than the sixth (6) day and no later than the fifteenth (15) day of the current month.
- c. Any customer, residential as well as nonresidential, who has initiated a billing complaint or requested an investigation within five days of receiving a disputed bill or who has, before discontinuance of service, made a request for extension of the payment period of a

bill asserted to be beyond the means of the customer to pay in full within the normal period for payment, shall not have residential water service discontinued for nonpayment during the pendency of an investigation by the utility of such customer complaint or request and shall be given an opportunity for review of the complaint; investigation, or request by the Oak Park Water Service Finance Director. The review shall include consideration of whether or not a residential customer shall be permitted to make installment payments of the unpaid balance of the delinquent account over a reasonable period of time, not to exceed 6 (six) months. Such service shall not be discontinued for nonpayment for any customer complying with an installment payment agreement entered into with the utility, provided the customer also keeps current his/her account for water service as charges accrue in each subsequent billing period. If a residential customer fails to comply with an installment payment agreement, the utility will give a 10-day discontinuance of service notice before discontinuing such service, but such notice shall not entitle the customer to further investigation by the utility.

- d. Service to a residential water customer will not be discontinued for nonpayment when the customer has previously established to the satisfaction of the utility that:
- 1) The customer is elderly (age 62 or over) or handicapped, or upon certification of a licensed physician or surgeon that to discontinue water will be life threatening to the customer; and
  - 2) The customer is willing to arrange installment payments satisfactory to the utility, over a period not to exceed 6 (six) months, including arrangements for prompt payment of subsequent bills.

However, service may be discontinued to any customer who does not comply with an installment payment agreement or keep current his/her account for water service as charges accrue in each subsequent billing period.

- e. A customer's residential service may be discontinued for nonpayment of a bill for residential service previously rendered him/her at any location served by the utility. A nonresidential service may be discontinued for nonpayment of a bill for residential as well as nonresidential service previously rendered the customer at any location served by the utility.

The discontinuance of service notice as set forth in subdivision (b) will be given in both cases stated above before discontinuance of services takes place. Residential service will not, however, be discontinued for nonpayment of bills for separate nonresidential service.

- f. Service will not be discontinued by reason of delinquency in payment for service on any Saturday, Sunday, legal holiday, or at any time during which the businesses offices of the utility are not open to the public.
  
- g. Where water service is provided to residential users through a master meter, the utility shall make every good faith effort to inform the actual users by telephone, in person or by means of a mailed notice when the account is in arrears that service will be discontinued in ten days. The notice shall further inform actual users that they have the right to become utility customers without being required to pay the amount due on the account. The utility shall not be obligated to make service available unless and until each and every actual user of the water service then residing on the premises shall agree to the terms and conditions of service and shall meet the requirements of the utility's rules and regulations provided, however, that if:
  - 1) one or more actual users are willing and able to assume responsibility for the entire account to the satisfaction of the utility, or
  - 2) there is a physical means, legally available to the utility, of selectively discontinuing service to those actual users who have not met the requirements of the utility's rules and regulations,the utility shall make service available to the actual users who have met those requirements.
  
- h. A reasonable attempt must be made by the utility to personally contact an adult person on the residential customer's premises either by telephone, in person, or by mail delivery, at least 24 hours prior to discontinuance. For elderly or handicapped residential customers, the utility shall provide at least 48 hours' notice by telephone or in person. For these customers, if telephone or personal contact cannot be made, a notice of discontinuance of service shall be posted in a conspicuous location at the service address at least 48 hours prior to discontinuance.

i. Residential Customer's Remedies Upon Receipt of Discontinuance Notice

- 1) If upon receipt of a discontinuance notice, a residential customer is unable to pay, he/she must contact the utility within the time stated to make payment arrangements to avoid discontinuance of service.
- 2) If the residential customer alleges to the Oak Park Water Service Finance Director an inability to pay and that he/she is unable to make payment arrangement with the utility, he/she should write to the Oak Park Water Service Finance Director to make an informal complaint. This action must be taken within the 10-day discontinuance of service notice period.
- 3) The Oak Park Water Service Finance Director's resolution of the matter will be reported to the utility and the residential customer within ten business days after receipt of the informal complaint. If the customer is not satisfied with such resolution, he/she must file, within ten business day after the date of the Oak Park Water Service Finance Director's letter, a formal complaint with the Triunfo Sanitation District Board of Directors.
- 4) Failure of the residential or nonresidential customer to observe these time limits shall entitle the utility to insist upon payment, or upon failure to pay, to discontinue the customer's service.

j. Designation of a Third-Party Representative (Elderly or Handicapped only)

- 1) Customer must inform utility if he/she desires that a third party receive discontinuance or other notices on his/her behalf.
- 2) Utility must be advised of name, address and telephone number of third party with a letter from third party accepting this responsibility.
- 3) Only customers who certify they are elderly or handicapped are entitled to third-party representation.

**2. For Noncompliance with Rules**

The utility may discontinue service to any customer for violation of these rules after it has given the customer at least five days' written notice of such intention, during which time the customer shall have the option to comply or appeal to the Oak Park Water Service Finance Director. Where safety of water supply is endangered, service may be discontinued immediately without notice.

**3. For Waste of Water**

- a. Where negligent or wasteful use of water exists on a customer's premises, the utility may discontinue the service if such practices are not remedied within five days after it has given the customer written notice to such effect.
- b. In order to protect itself against serious and unnecessary waste or misuse of water, the utility may meter any flat rate service and apply the regularly established meter rates where the customer continues to misuse or waste water beyond five days after the utility has given the customer written notice to remedy such practices.

**4. For Unsafe Apparatus or Where Service is Detrimental or Damaging to the Utility of Its Customers**

If an unsafe or hazardous condition is found to exist on the customer's premises, or the use of water thereon by apparatus, appliances, equipment or otherwise is found to be detrimental or damaging to the utility or its customers, the service may be shut off without notice. The utility will notify the customer immediately of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored.

**5. For Fraudulent Use of Service**

When the utility has discovered that a customer has obtained service by fraudulent means, or has diverted the water service for unauthorized use, the service to that customer may be discontinued without notice. The utility will not restore service to such customer until that customer has complied with all filed rules and reasonable requirements of the utility and the utility has been reimbursed for the full amount of the service rendered and the actual cost to the utility incurred by reason of the fraudulent use.

11-18

**C. Restoration of Service**

**1. Premise Visit/Reconnection Charges**

Where service has been discontinued for violation of these rules or for nonpayment of bills, the utility may charge premise visit and/or reconnection fees pursuant to the most recent Ordinance adopted by the Triunfo Sanitation District Board of Directors for the reconnection of service. The utility shall require payment of the outstanding balance, the current balance, and all other charges due on the account prior to the restoration of water service.

**2. To Be Made During Regular Working Hours**

The utility will endeavor to make reconnection during regular working hours on the day of the request, if conditions permit; otherwise, reconnection will be made on the regular working day following the day the request is made.

**3. To Be Made at Other Than Regular Working Hours**

When a customer has requested that the reconnection be made at other than regular business hours, the utility will reasonably endeavor to so make the reconnection if practicable under the circumstances.

**4. Wrongful Discontinuance**

A service wrongfully discontinued by the utility shall be restored within 24 hours without charge to the customer for the restoration.

**D. Refusal to Serve**

**1. Conditions For Refusal**

The utility may refuse to serve an applicant for service under the following conditions:

- a. If the applicant fails to comply with any of the rules and regulations as passed by the Triunfo Sanitation District Board of Directors.
- b. If the intended use of the service is of such a nature that it will be detrimental or injurious to existing customers or to District facilities.
- c. If, in the judgment of the utility, the applicant's installation for utilizing the service is unsafe or hazardous, or of such nature that satisfactory service cannot be rendered.

- d. Where service has been discontinued for fraudulent use, the utility will not serve an applicant until it has determined that all conditions of fraudulent use or practice have been corrected.

## 2. Notification to Customers

When an applicant is refused service under the provisions of this rule, the utility will notify the applicant promptly of the reason for the service refusal and of the right of applicant to appeal the utility's decision to the Oak Park Water Service Finance Director.

## SECTION 9. INFORMATION AVAILABLE TO PUBLIC

### A. General Information

The utility will maintain, open for public inspection at its office, pertinent information regarding the service rendered, including the following:

#### 1. Characteristics of Water

A description in writing of the kind of water to be furnished, whether filtered or unfiltered, and whether treated or untreated, and the extent thereof.

#### 2. Rates and Rules

A copy of the regulation schedules consisting of rates, general rules of the utility, service area maps and forms of contracts and applications applicable to the territory served from that office.

#### 3. Reading Meters

Information about method of reading meters.

#### 4. Bill Analysis

A statement of the most recent past readings of the meter or meters serving a customer's own premises for a period of two years.

### B. Rates and Option Rules

The utility will explain to every applicant for service each rate schedule which is applicable, and of the applicant's right to elect therefrom the option under which service is desired.

**C. New or Revised Rates**

Should new or revised rates be established, the utility will give written notice to all customers affected.

**SECTION 10. CONTINUITY OF SERVICE**

**A. Emergency Interruptions**

1. The utility shall make all reasonable efforts to prevent interruptions to service and, when such interruptions occur, shall endeavor to re-establish service with the shortest possible delay consistent with the safety of its customers and the general public.
2. Where an emergency interruption of service affects the service to any public fire protection device, the utility will promptly endeavor to notify the Fire Chief or other public official responsible for fire protection of such interruption and of subsequent restoration of normal service.

**B. Scheduled Interruptions**

1. Whenever the utility finds it necessary to schedule an interruption to its service, it shall, where feasible, notify all customers to be affected by the interruption, stating the approximate time and anticipated duration of the interruption. Scheduled interruptions will be made at such hours as will provide least inconvenience to the customers consistent with reasonable utility operations.
2. Where public fire protection is provided by the mains affected by the interruptions, the utility will promptly endeavor to notify the Fire Chief or other officials responsible for fire protection, stating the approximate time and anticipated duration of the interruption. In addition, the Fire Chief or other official responsible for fire protection will be notified promptly upon restoration of services.

**C. Apportionment of Supply During Times of Shortage**

During times of threatened or actual water shortage, the utility will apportion its available water supply among its customers as directed by the Triunfo Sanitation District Board of Directors. In the absence of Board direction, it will apportion the supply in the manner that appears most equitable under circumstances then prevailing, and with due regard to public health and safety.

**SECTION 11. RECITALS**

All of the above Recitals are true and incorporated by reference herein as if set forth in full.

**SECTION 12. EFFECTIVE DATE**

The Board of Directors hereby finds and determines that the public necessity is best served by the timely adoption of this Ordinance, which shall take effect on February 23, 2012.

**PASSED AND ADOPTED** this 23<sup>rd</sup> day of January 2012 by the following vote:

AYES: Directors:

NOES: Directors:

ABSENT: Directors:

TRIUNFO SANITATION DISTRICT

\_\_\_\_\_  
\_\_\_\_\_, CHAIRMAN  
Board of Directors

ATTEST:

\_\_\_\_\_  
Josie Guzmán, CMC, Clerk of the Board

11-22