

**OAKDALE IRRIGATION DISTRICT
RESOLUTION NO. 2016-51
REPLACEMENT OF RESOLUTION NO. 2015-96**

RULES RELATED TO IRRIGATION WATER SERVICE POLICY

WHEREAS, Water Code section 22280, et. seq., (hereinafter identified by "Section" only) of the California Water Code ("Water Code") provides that the District may levy charges in lieu of assessments; and

WHEREAS, Section 22283 provides that the District may prescribe reasonable rules to carry out the provisions of Section 22280, et. seq.; and

WHEREAS, Section 25655 provides that a district may in lieu in whole or in part of levying the annual assessment for district purposes, use any revenue derived prior to or during the next ensuing calendar year from charges which the district may fix and collect pursuant to Section 22280; and

WHEREAS, the District desires to adopt certain rules, charges and penalties to implement said provisions;

BE IT RESOLVED that this resolution replaces Resolution No. 2015-096.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of Directors of Oakdale Irrigation District desires to implement the attached Rules Related to Irrigation Water Service Policy effective July 20, 2016.

Upon motion of Director Santos, seconded by Director Altieri and duly submitted to the Board for its consideration, the above-titled resolution was unanimously adopted this 6th day of September 2016.

OAKDALE IRRIGATION DISTRICT

Steve Webb
President

Steve Knell, P.E.
General Manager/Secretary

OAKDALE IRRIGATION DISTRICT MANUAL OF OPERATIONS

Subject: RULES RELATED TO IRRIGATION WATER SERVICE
POLICY

Policy and Procedure No.:

Responsible Department: All Departments

PURPOSE

The District has certain rules to implement its charges related to irrigation water service and related fees.

SCOPE

This policy and procedure applies to all Departments.

POLICY AND PROCEDURE

1. Annually, on or about November 1, the Board of Directors shall fix rates, charges and fees, including water "delivery" and "volumetric charges for the services specified in *California Water Code* Section 22280, et seq., (hereinafter identified by "Section" only) to be collected in lieu of levying annual assessments for such services. Revenue derived from such charges shall be used for District purposes in lieu of revenues from assessments.
2. All fees and costs associated with the website on-line payment will be the responsibility of the customer.
3. Applications for Surface Irrigation Water Abandonments received from landowners prior to December 31 shall be considered effective for the current billing period, if approved by the District and all prior year water charges are paid. Applications will remain valid only during the current billing period. A new application and application fee will be required for a new billing period. All current charges are considered due and payable as billed until final approval of the Agreement by the Board. Penalties and service charges applied to original charges will remain as billed, even when abandonment is completed, approved and original charges revised.

Applications received from landowners after December 31 shall be effective for the next year's billing period.

4. Section 22282.1 provides that the district may refuse service to any land if outstanding charges for services already rendered such land have not been paid within a reasonable time.

The District may refuse to furnish water to any parcel of land if outstanding charges for water or services already furnished or rendered to such land (including penalties) have not been paid in full by December 31st of that year.

5. Section 25929 provides that the District shall accept payment of current year charges tendered while prior charges are delinquent at the instructions of the landowner. However, water service will continue to be withheld until all prior delinquent charges, penalties, and costs have been collected.
6. The Board shall order the Treasurer, in accordance with Codes Section 26000, to cancel or modify, as may be proper, an assessment when it finds that any property has been either:
 - (a) Assessed in any year more than once.
 - (b) Assessed by reason of a clerical error for more than its cash value.
 - (c) Computed for assessment on an excessive acreage.
 - (d) Assessed while not in district.

Any other cancellation or modification to charges not mentioned in Section 26000 or in this resolution shall be submitted to the Board of Directors for consideration.

7. On order of the Board, order in accordance with Section 26001, any assessments, penalties or costs thereon, or portions thereof, shall be refunded by the treasurer if they were either:
 - (a) Paid more than once.
 - (b) Erroneously or illegally collected.
 - (c) Paid with respect to property not in the district and which has never been in the district.

Any other refund of charges not mentioned in Section 26001 or in this resolution shall be submitted to the Board of Directors for consideration.

Overpayment on accounts resulting in a credit shall remain on account and applied to subsequent charges; unless otherwise requested by customer or if change in property title occurs.

Error made in payments not more than \$2.00 may be written-off by the Chief Financial Officer.

8. Section 22284 provides that when any charges fixed under *Water Code* section 22280, et seq., for water or other services become delinquent, they shall be collected by one or more of the procedures specified in Section 25806, including the placement of delinquent water charges and other related charges on the County Tax Roll in which the real property is situated.

Section 25806(2)(b) provides for where the County assumes the responsibility of collection pursuant to Chapter 7 (commencing with Section 26500), the amount of the unpaid charges may be added to and become part of, the annual charges levied upon the real property upon which the water for which the charges are unpaid was used and upon the real property subject to the charges for any other district services and shall constitute a lien on that real property upon recordation of the order confirming the assessment in the office of the county recorder of the county in which the real property is situated.

9. On or about July 15 of each year, the District shall notify those customers delinquent in the payment of water charges and other related charges, for the prior year's delinquent charges, of the District's intentions of the placement of delinquent accounts on the County Tax Roll in which the real property is situated.
10. When title to property within the District is transferred, the entire current year charges, as well as any and/all delinquent charges, shall be due and payable irrespective of the due dates. Title and escrow companies shall be notified accordingly when inquiries are made in connection with pending escrows.
11. In accordance with Penal Code, Section 498 – "Theft of Utility Services" and Water Code Section 22225, the District shall impose fees for the recovery of damages for the unauthorized diverting of water or tampering with OID water conveyance facilities.

When a fee is assessed for the unauthorized diverting of water or tampering with OID water conveyance facilities a written notice shall be mailed to the offender by certified mail. If the fee is not paid after fifteen days from receipt of the written notification, the offender's gate will be locked until paid. The requirement to pay the fine will not be waived during any assertion of innocence or error by the offender, however, the Board has full discretion to hear any matter brought before it on the matter and refund all or a portion of the fine based on individual circumstances.

In addition to the fine for tampering with the system, the offending party will be billed for all water that potentially was withdrawn from the OID system at the out-of-district water rate currently in effect. The volume determined to be withdrawn without authorization shall be determined by the Water Operations Manager.