

ORANGE COUNTY SANITATION DISTRICT

ORDINANCE NO. OCSD-46

SUMMARY FOR PUBLICATION

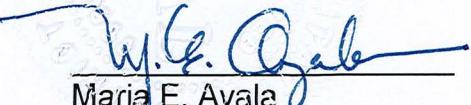
AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY SANITATION DISTRICT AMENDING SECTION 2.03 OF ARTICLE II OF ORDINANCE NO. OCSD-41 CONCERNING REBATES AND REFUNDS OF SANITARY SEWER SERVICE CHARGES.

On June 25, 2014 at 6:30 p.m., at the District's Board Room located at 10844 Ellis Avenue, Fountain Valley, California, the Board of Directors of the Orange County Sanitation District will consider adoption of Ordinance No. OCSD-46 amending Section 2.03 of Article II of Ordinance No. OCSD-41 (establishing the District's Sanitary Sewer Service Charges) concerning rebates and refunds of Sanitary Sewer Service charges. Generally, the ordinance:

- Adds definitions for "rebates" and "refunds." Rebates relate to adjustments of service charges while refunds relate to reimbursement of erroneously paid charges due to incorrect billing information.
- Shortens the period for requesting rebates from four years to two years from the date that the tax roll is submitted to the County Auditor/Controller.
- Provides that rebates or additional adjustments to service charges are not available when a rebate or adjustment has already been granted in a prior fiscal year.
- Clarifies that a "year" is a fiscal year consistent with the established annual charges and the District's fiscal year, commencing on July 1 of each year.

A copy of the full text of Ordinance No. OCSD-46 is on file with the Clerk of the Board and available for public review at the District's Headquarters, at the address above, and is attached to the Agenda and Staff report for the meeting of May 28, 2014, at which it was introduced for first reading, which is posted at the District's website at <http://www.ocsd.com>.

For more information, please call the Clerk of the Board at (714) 593-7130.



Maria E. Ayala
Clerk of the Board

ORDINANCE NO. OCSD-46

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY SANITATION DISTRICT AMENDING SECTION 2.03 OF ARTICLE II OF ORDINANCE NO. OCSD-41 CONCERNING REBATES AND REFUNDS OF SANITARY SEWER SERVICE CHARGES.

WHEREAS, the Board of Directors adopted Ordinance No. OCSD-41 on March 27, 2013, establishing revised sewer service charges; and

WHEREAS, the Board of Directors wishes to revise Section 2.03 of Article II of Ordinance No. OCSD-41 to more clearly define the difference between rebates and refunds, and adjust the limitations period pertaining to rebates.

NOW, THEREFORE, the Board of Directors of the Orange County Sanitation District does hereby ORDAIN:

Section 1. Section 2.03 of Article II of Ordinance No. OCSD-41 is hereby amended as follows:

Section 2.03.

A. Exemptions. It is the intent of the District that the legal owner(s) of parcels of real property, otherwise subject to the levy and payment of the Sewer Service Charges, as prescribed herein, be relieved, in whole or in part, from the payment of said charges, in certain circumstances and under conditions prescribed herein, and be entitled to either a rebate or a refund with respect to charges paid, as more specifically set forth in Subparagraphs 2.03B and 2.03C below, provided an inequity is established or a billing error is proven, as specified in Subparagraphs 2.03B or 2.03C.

B. Application for Rebate.

(1) A "rebate" is the difference between the original service charge paid by a property owner and the recalculated service charge for the property based on water use as provided herein.

(2) Any property owner, or legally recognized authorized representative of the property owner, may apply to the District for a rebate of Sewer Service Charges paid to the District by establishing that an unfair valuation of the property has been made by the District. An applicant for a rebate must establish, by proof satisfactory to the General Manager of the District, or his/her designee, that an inequity exists between the amount of the charge paid and the amount of wastewater discharged to the District's system, resulting in an unfair valuation. Satisfactory proof shall establish that either:

(a) The principal water use is agricultural or horticultural; or

(b) The property is devoted to any other use wherein the amount of wastewater discharged to the District's system is significantly less on a regular basis than the amount that would normally be expected to be discharged by the class of property in question.

(3) Satisfactory proof shall include, but not be limited to, documentation showing actual water usage for each billing cycle during the entire period for which the rebate is sought.

(4) The amount of any rebate shall not reduce the charge payable by any property owner, whose property is connected to the District's system, to less than the single family residential charge shown on the applicable Table attached hereto.

(5) Once a rebate or adjustment to a service charge is granted, additional rebates or adjustments will not be granted in the same year unless the property was vacant for the entire year.

C. Application for Refund.

(1) A "refund" is the difference between the original service charge paid by a property owner and the corrected service charge when the original charge was billed erroneously.

(2) Any property owner (as used herein, includes any person who paid the sewer service charges), or legally recognized authorized representative of the property owner, may apply to the District for a refund of Sewer Service Charges paid to the District by establishing that the amount paid was pursuant to an error in the amount billed or the amount paid. The applicant for a refund must submit proof satisfactory to the General Manager of the District, or his/her designee, that a billing error has been made by the District, or the County Tax Collector. Such proof shall include, but not be limited to, proof that:

(a) The owner's parcel of property is not connected to the District's system; or

(b) The property has not been classified in the proper property use classification code; or

(c) A clerical error has been made.

D. Limitations Period.

(1) Applications for rebates shall be deemed a claim and be governed by the provisions of California Government Code Sections 935 et seq., and shall be presented to the District as provided in the Government Tort Claims Act, Government Code Sections 915 et seq., not later than two (2) years after the submission of the roll to the County Auditor/Controller, and the claim for rebate may only be made with respect to amounts paid or payable under such property tax bill. A claim for rebate is not deemed a claim for refund, and California Revenue & Taxation Code Sections 5096 and 5097 are not applicable.

(2) Applications for refunds shall be deemed to be governed by the provisions of California Revenue & Taxation Code Sections 5096 and 5097.

(3) Consistent with Section 2.04, a "year" for purposes of this Section 2.03 commences on July 1 for all annual Sewer Service Charges, based on the District's fiscal year.

E. Determination. All applications for rebates or refunds of the Sewer Service Charge will be determined by the General Manager of the District, or his/her designee, who, based on the submitted proof, may grant a full or partial rebate or refund.

F. Administrative Fee. At the time of filing the application for rebate or refund, the property owner shall pay District an administrative fee for the processing of such application. The amount of the fee shall be equal to the total of all fees and charges imposed on the District by any other public entity, such as the Orange County Tax Collector, the Orange County Auditor, or the Orange County Recorder, in connection with the rebate or refund.

Section 2. Severability. If any provision of this Ordinance, or the application to any person or circumstances is held invalid by order of Court, the remainder of the Ordinance, or the application of such provision to other persons or other circumstances, shall not be affected.

Section 3. Certification and Publication. The Clerk of the Board shall certify to the adoption of this Ordinance, and shall cause a summary to be published in a newspaper of general circulation within 15 days as required by law.

Section 4: This Ordinance shall be effective sixty (60) days after adoption.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Orange County Sanitation District held on _____, 2014.

Chair of the Board of Directors
Orange County Sanitation District

ATTEST:

Clerk of the Board
Orange County Sanitation District

Bradley R. Hogin, General Counsel
Orange County Sanitation District

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