

RESOLUTION NO. 2016-16

**A RESOLUTION AUTHORIZING ADOPTION OF
A UTILITY BILLING UNDERCHARGE/OVERCHARGE POLICY**

WHEREAS, the Hidden Valley Lake Community Services District (District) Board of Directors periodically establishes and revises District policies, and

WHEREAS, the District Board of Directors desires to establish a clear, concise and repeatable reference on this topic, and

WHEREAS, in the case of a billing discrepancy that results in an under or overcharge of a customer account, and

WHEREAS, the District shall back-bill the full amount of an undercharged bill as required by the California Constitution adhering to the limitations herein, and

WHEREAS, if the date the error began cannot be determined, the General Manager (or their designee) will review the undercharge and determine the terms of the payment arrangement, and

WHEREAS, the District shall offer the customer reasonable payment arrangements for the amount of the back-bill taking into account the period of the undercharge. In no case can the repayment period exceed the length of time that the under billing occurred. Late fees shall occur and termination of service procedures may be implemented if all undercharged amounts are not met and repaid accordingly, and

WHEREAS, when a customer has been overcharged, the total amount of that customer's overcharge shall be promptly credited to their account, following a thorough investigation, and

WHEREAS, in all cases the District will follow the Constitution of the State of California stated below:

- The "gift of public funds" is prohibited;
- Subsidizing one class of customer at the expense of another is a violation of Proposition 218's "proportionality" requirement. (Prop. 218 is a state constitutional requirement);
- Compliance with the statute of limitations (36 months prior billings) with regard to any recovery. (Pursuant to either of the above principles);

NOW THEREFORE, BE IT RESOLVED that the Hidden Valley Lake Community Services District shall adopt a "Utility Billing Undercharge/Overcharge Policy" that defines the protocol to ensure the process of collecting undercharged or overcharge as a result of incorrect meter readings, incorrect application of the rate schedule, incorrect connection of the meter, faulty meter or other similar reason.

PASSED AND ADOPTED on August 16, 2016 by the following vote:

AYES: Directors Freeman, Lieberman, Herndon, Mirbegian

NOES:


ABSTAIN:

ABSENT: Director Graham



President of the Board of Directors
Hidden Valley Lake Community Services District

ATTEST:



Secretary to the Board of Directors
Hidden Valley Lake Community Services District

