

Carey Casciola

From: A.J. Dury [REDACTED]
Sent: Saturday, October 10, 2020 9:10 PM
To: Carey Casciola; Will Clemens; Jeffrey Minnery
Subject: 218 Rate Increase Complaint Letter
Attachments: _Final 10.10.20- OCSD_218_Formal Complaint.pdf

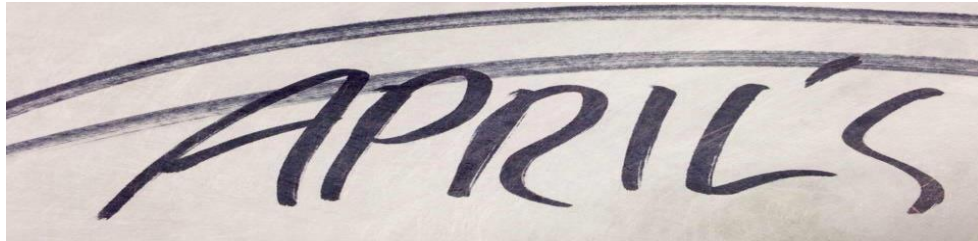
Dear OCSD Board President Linda Austin ([who refuses to use a transparent email address](#), so I am forced to send it to the district's GM, Office Manager and Legal Council for transparency purposes).

Please find attached my formal complaint regarding the impending Water Rate Increase hearing dated October 14, 2020.

I look forward to a rapid and reasonable response.

Sincerely,

April Dury
Oceano Ratepayer



April J. Dury



October 10, 2020
Oceano Community Services District
1655 Front Street
Oceano, CA 93449

Attention: President Austin, GM Clemens

Subject: Inadequate Water Rate Increase Notice for October 14, 2020 hearing

Dear President Austin, GM Clemens and Board Members,

Please consider this a formal complaint regarding the above-referenced matter. The district's "Notice of Proposed Rate Increase in Water Rate Service Charges" (notice linked below) fails to advise Oceano water customers as to how to properly protest the rate increase to be certain that their protest is valid and will be counted.

The Notice simply states, *"if written protests are received from more than 50% of the properties receiving water service, then the Board cannot adopt the proposed rate increase."*

The Notice fails to state what law governs the rate increase. The Notice fails to state whether property owners and/or renters are allowed to protest. The Notice fails to state whether original (wet) signatures are required. The Notice fails to advise what to write on a valid protest. The Notice fails to state how to transmit (fax, email, US Postal Service?) the written protest.

The District used this same Notice format in 2015, calling into question the validity of that rate increase as well.

One example of written protest procedures pursuant to Proposition 218 is provided below (written example below was available from the Cambria Community Services District):

Community Input & Written Protest Procedures

Customers, property owners, and community members are invited to attend the Public Hearing to provide input. Property owners and customers may also file written protests against the proposed rate increases. Pursuant to California law, protests must be submitted in writing and must a) identify the affected property or properties, such as by service address or Assessor's Parcel Number, b) include the name and signature of the customer or property owner submitting the protest, and c) indicate opposition to the proposed water rate increase.

Protests submitted by e-mail, facsimile or other electronic means will not be accepted. Pursuant to CCSD's Guidelines for the Submission and Tabulation of Protests (available from CCSD and posted on the CCSD website), a protest may only be submitted by the record owner of the property or customer of record who signed the protest, or an individual authorized in writing to submit the protest on their behalf. The proposed rates cannot be adopted if written protests are received from a majority of affected parcels with one written protest counted per parcel. Written protests must be submitted prior to the close of the public hearing.

Written protests can be submitted by one of the following methods:

- Deliver to the District Clerk's Office at #####, Street, Town, CA Zip Code
- Mail to the CSD, Attention: District Clerk, CSD, P.O. Box ##, Town, CA Zip Code
- Personally submit a written protest at the Public Hearing

Examples from Nipomo CSD, San Simeon CSD and the guide to Drafting Property-Related Fee Notices from the California League of Cities are provided in the following links:

[Nipomo CSD](#)

[San Simeon CSD](#)

Note: This CSD has the same law firm representing them as Oceano does, and yet their 218 Notice appears to be adequate and legal.

[California League of Cities](#)

[OCSD for comparison](#)

Additionally, the District office is closed from October 9-12 for fumigating (please reference attachment). This closure disenfranchises the ratepayers of Oceano who may want to protest, in that they are unable to drop their written protest into the on-site drop-off slot over the course of those four days. Additionally, this closure notice was ONLY available on the district's FB page and nowhere on the District's website. Another example of how the ratepayers are underserved by this district and its elected officials.

Due to the improper noticing to the ratepayers of Oceano and Halcyon, I ask that either A) the District void this rate increase process because of the four days taken away from the protest period, due to the fumigation closure or B) the district must find that any/all written protests received by October 14, 2020 are accepted as valid, given there was no instruction of what omitted information could possibly invalidate them.

Thank you for your attention to this very important matter.

Sincerely,

April Dury
Oceano Ratepayer

Attachment: [District Social Media Post](#)



Temporary Office Closure



The District office, located at 1655 Front Street in Oceano, will be closed Friday, October 9th through Monday, October 12th for fumigation. We will reopen on Tuesday, October 13th.

Please Note: The Ballot Drop Box will be unavailable during this closure. For other drop box locations, please visit <https://caearlyvoting.sos.ca.gov/>

FOR WATER OR SEWER EMERGENCIES DURING THIS TIME, KINDLY CONTACT US AT: 805-481-6730 www.oceanosd.org



Oceano Community Services District

October 6 at 10:04 AM · 🌐

For water or sewer emergencies during this closure, please call (805) 481-6730 for assistance. The District has Utility System Operators on-call 24/7.

Please note the ballot drop box will be unavailable at this location during fumigation. Please visit <https://caearlyvoting.sos.ca.gov/> for other drop box locations.

👍 2



🗨️ Write a comment...

👍 12

RECEIVED

OCT. 13 2020

OCT 10, 2020

OCSO RE: WATER RATE INCREASE
TO WHOM IT MAY CONCERN:

I AM NOT OPPOSED TO THE RATE INCREASE. I UNDERSTAND THE COST OF MAINTENANCE WILL CONTINUE TO RISE. HOWEVER I WOULD LIKE TO SUGGEST A COUPLE OF THINGS.

- 1) THE INCREASE SHOULD BE BASED ON USAGE INSTEAD OF STRAIGHT ACROSS THE BOARD. WE GET A SMALL REBATE FROM PG&E + SO CAL GAS FOR BEING CONSERVATIVE.
- 2) REVIEW THE INCREASE EVERY OTHER YEAR. 5 YEARS IS TOO FAR OUT.

WITH SO MANY PEOPLE OUT OF WORK RIGHT NOW THE TIMING IS PRETTY BAD.

WE LOVE LIVING HERE IN OCEANO.
THANK YOU FOR YOUR TIME.

SINCERELY,

PATTI DAVIS

RECEIVED

NM

OCT 13 2020

Stephanie Tippitt & Beverly Poorman
Property Owners

10/12/2020
Sent second time

[REDACTED]
Oceano, CA 93445

[REDACTED]
Oceano, CA 93445

September 2, 2020

Oceano Community Services District
Will Clemens, General Manager
Linda Austin, Board president
Karen White, Board vice-president
Shirley Gibson, Board member
Allene Villa, Board member
Cynthia Replogle, Board member

Dear OCSD and board members,

This letter is to stand as our official 218 Protest letter, in opposition to the November 2020 water rate increase your agency is attempting to initiate onto the ratepayers of Oceano.

Please enter this letter into the public record and attach it to the next agency agenda. Thank you.

Sincerely,



Stephanie Tippitt

RECEIVED

OCT 14 2020

Randy & Beverly Poorman
Property Owners

[REDACTED]
[REDACTED]
Oceano, CA 93445

October 8, 2020

Oceano Community Services District
Will Clemens, General Manager
Linda Austin, Board president
Karen White, Board vice-president
Shirley Gibson, Board member
Allene Villa, Board member
Cynthia Replogle, Board member

Dear OCSD and board members,

This letter is to stand as our official 218 Protest letter, in opposition to the November 2020 water rate increase your agency is trying to initiate onto the ratepayers of Oceano.

Please enter this letter into the public record and attach it to the next agency agenda. Thank you.

Sincerely,



Beverly L. Poorman



Randy L. Poorman