

ORDINANCE NO. 368-17

AN ORDINANCE AMENDING ORDINANCE NO. 365-15 ENTITLED
“WATER THEFT PENALTY ORDINANCE”

Introduced by Director Young ; Seconded by Director Linney

WHEREAS, on April 28, 2015, the Board of Directors of the East Bay Municipal Utility District (“District”) adopted the Water Theft Penalty Ordinance No. 365-15 (“Ordinance”) to provide the District with authority to impose administrative penalties on any individual who attempts or engages in water theft, including the unauthorized use of water from a public fire hydrant to supply water outside of the District service area, and any use of a hydrant meter in violation of the terms and conditions of a hydrant meter permit, as set forth in the Ordinance; and

WHEREAS, water theft is a misdemeanor under the California Penal Code; and

WHEREAS, the purpose of the Ordinance is to further deter water theft by authorizing the District to impose an administrative penalty on customers who engage in water theft; and

WHEREAS, the Ordinance has been effective in reducing water theft, however the District has received extensive feedback that the associated penalties have disproportionately impacted low income customers and made it more difficult for them to maintain or reestablish water service; and

WHEREAS, on June 27, 2017, the Finance/Administration Committee recommended amending the Ordinance to reduce the applicable penalties for water theft via meter tampering to \$200, \$400, and \$800 for the first, second, and third occurrence, respectively, and to retain the existing penalties of \$1,000, \$2,000 and \$3,000 for the first, second, and third occurrence, respectively, for water theft resulting from lateral diversions and unauthorized hydrant use based on the rationale that water theft in the form of meter tampering results in lower costs and lesser water loss to the District than the other forms of water theft; and

WHEREAS, the Ordinance was amended to incorporate the recommendation of the Finance/Administration Committee; and

WHEREAS, other minor, non-substantive amendments were made to the Ordinance for clean-up and clarification purposes; and

WHEREAS, the Board of Directors considered a first reading of the proposed amendments to the Ordinance at the public meeting on August 8, 2017; and

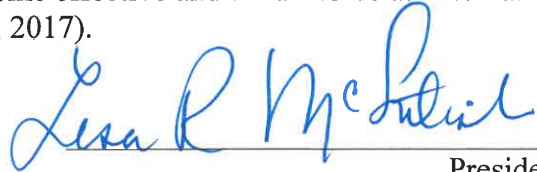
WHEREAS, the Board of Directors considered a second reading of the proposed amendments to the Ordinance at the public meeting on September 12, 2017, and further reduced the applicable penalties for water theft via meter tampering to \$0, \$200, and \$400 for the first, second, and third occurrence, respectively, and to retain the existing penalties of \$1,000, \$2,000 and \$3,000 for the first, second,

and third occurrence, respectively, for water theft resulting from lateral diversions and unauthorized hydrant use; and

WHEREAS, the Board of Directors held a continued second reading of the proposed amendments to the Ordinance at the public meeting on September 26, 2017;

NOW, THEREFORE, BE IT ENACTED by the Board of Directors of the East Bay Municipal Utility District that Ordinance No. 365-15 entitled "WATER THEFT PENALTY ORDINANCE" is amended as shown in Exhibit A.

The EFFECTIVE DATE of this Ordinance shall become effective and in full force at 12:01 a.m. on the thirty-first day following its passage (October 27, 2017).



President

I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly introduced at a regular meeting of EAST BAY MUNICIPAL UTILITY DISTRICT held on April 14, 2015, at the offices of said District, 375 - 11th Street, Oakland, California, and thereupon, after being read, further action was scheduled for the regular meeting of said Board of Directors held at the same place on April 28, 2015, at which time the Ordinance was finally adopted. An amendment to the foregoing Ordinance was duly and regularly introduced at a regular meeting of EAST BAY MUNICIPAL UTILITY DISTRICT on August 8, 2017, and thereupon, after being read, further action was scheduled for the regular meeting of said Board of Directors on September 12, 2017, at which time the Board of Directors requested additional amendments to the Ordinance. Accordingly, a continued second reading was scheduled for the regular meeting of the Board of Directors on September 26, 2017, at which time the Amended Ordinance was finally adopted to be effective on October 27, 2017, by the following vote.

AYES: Directors Katz, Binney, Mellon, Patterson, Young and President Mellon.

NOES: Director Coleman.

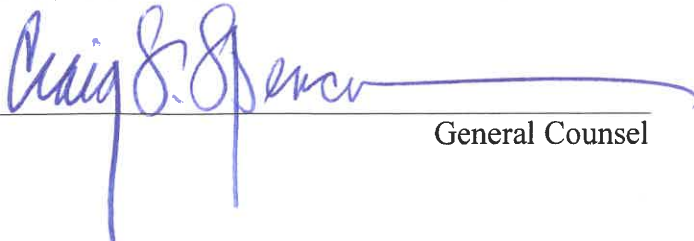
ABSENT: None.

ABSTAIN: None.



Secretary

APPROVED AS TO FORM AND PROCEDURE:



General Counsel

WATER THEFT PENALTY ORDINANCE

WHEREAS, California Penal Code section 498 prohibits the theft of utility services, including water; and

WHEREAS, California Penal Code section 624 prohibits every person from willfully damaging, tampering with, or digging up water pipes or waterworks; and

WHEREAS, California Penal Code section 625 prohibits every person who, with intent to defraud or injure, opens or causes to be opened, or draws water from any disconnected utility connection after having been notified that the same has been closed or shut for specific cause, by order of competent authority; and

WHEREAS, any person who violates Penal Code sections 498, 624, or 625 is guilty of a misdemeanor; and

WHEREAS, California Civil Code section 1882 *et seq.* authorizes the East Bay Municipal Utility District (the “District”) to bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts any of the following acts:

- a. Diverts, or causes to be diverted, utility services by any means whatsoever.
- b. Makes, or causes to be made, any connection or reconnection with property owned or used by the utility to provide utility service without the authorization or consent of the utility.
- c. Prevents any utility meter, or other device used in determining the charge for utility services, from accurately performing its measuring function by tampering or by any other means.
- d. Tampers with any property owned or used by the utility to provide utility services.
- e. Uses or receives the direct benefit of all, or a portion, of the utility service with knowledge of, or reason to believe that, the diversion, tampering, or unauthorized connection existed at the time of the use, or that the use or receipt, was without the authorization or consent of the utility; and

WHEREAS, pursuant to California Civil Code section 1882 *et seq.*, the District may bring a civil action for the unauthorized use of District water; and

WHEREAS, the District’s “Regulations Governing Water Service to Customers of the East Bay Municipal Utility District” (the “Regulations”), including Sections 7, 15, 19, and 23, establish rules and regulations that govern the use of water and prohibit water theft from District facilities; and

WHEREAS, pursuant to California Government Code section 53069.4, the District may, by ordinance, make the violation of any ordinance enacted by its Board of Directors subject to a civil administrative fine or penalty; and

WHEREAS, because water is a vital resource, the District has determined that it is appropriate to impose civil administrative fines for the theft of water to protect this vital resource; and

WHEREAS, water theft from hydrants and/or the improper use of hydrant meters results in greater water loss to the District than water theft resulting from meter tampering, and may involve a more egregious violation, which includes the reselling of water; and

WHEREAS, water theft in the form of lateral diversion poses significant risks and costs to the District and the community because it may result in compromising water quality, adverse public health impacts, loss of revenues from water sales, and damage to District facilities; and

WHEREAS, those engaging in water theft in the form of unauthorized hydrant use and lateral diversions typically involve individuals who avoid obtaining proper service from the District and paying the associated fees, have a more egregious intent of theft, do not have District water service accounts, and thus impose greater costs to the District in identifying and pursuing them for the purposes of this Ordinance;

BE IT ENACTED by the Board of Directors of the East Bay Municipal Utility District as follows:

Section 1. Recitals. The District hereby finds and determines that the above recitals are true and correct and are incorporated herein.

Section 2. Administrative Penalties.

a. For the purposes of this Ordinance, “water theft” means and includes all of the following:

1. the use, diversion, receipt or taking of District water by any means from any public fire hydrant, blow-off valve, water main, water service lateral or other District facility or connection to a District facility, to which a District authorized metering device has not been installed or has been removed by the District;

2. the use, diversion, receipt, or taking of District water by any means without paying the full and lawful District fees or charges for such water, or by tampering with District property or facilities, such as by removing a lock or plug that has been placed on a customer’s service or meter, or unauthorized use, or by tampering with a service connection or bypassing a meter, or by making an unauthorized connection to any District facilities and any public fire hydrant; and

3. For the purposes of this ordinance, “unauthorized use” includes the use of water from a stationary service connection where lawful water service has been discontinued or

from a public fire hydrant to supply water outside of the District service area, regardless of whether payment is provided to the District for the water drawn from the public fire hydrant, or any use of a hydrant meter in violation of the terms and conditions of a hydrant meter permit.

b. Water theft is prohibited. Each act of water theft constitutes a misdemeanor.

c. The District may report any water theft to the appropriate prosecuting agency and press for prosecution of said activity pursuant to the Penal Code. In addition to pursuing criminal penalties, the District, upon discovering water theft or tampering with District property, may also pursue the following remedies or other remedies available at law or equity:

1. require the immediate removal of any equipment, connections or tools used to accomplish the water theft that is attached to District property;

2. require compliance with District regulations and standards for proper water service; and

3. charge the person committing the water theft an administrative penalty based on type of water theft, as set forth below:

A. Water Theft Via Meter Tampering

i. \$0 for the first violation;

ii. \$200 for a second violation within a twelve-month period; and

iii. \$400 for each violation thereafter within a twelve-month period.

B. All Other Forms of Water Theft

i. \$1,000 for the first violation;

ii. \$2,000 for a second violation within a twelve-month period; and

iii. \$3,000 for each violation thereafter within a twelve-month period.

Section 3. Other Remedies. In addition to any other remedies provided in this Ordinance or available under applicable law, the District may alternatively seek injunctive relief in the Superior Court or take enforcement action. All remedies provided herein shall be cumulative and not exclusive. If a District customer or any other person turns on water service without District authorization, tampers with any locked water meter, tampers with a service connection or District facilities, bypasses a meter, otherwise makes an unauthorized connection

to District facilities without District permission, or commits water theft, the District may do any, or a combination of any, of the following:

- a. turn off the water service and install a lock;
- b. estimate, if necessary, the water taken and charge the customer, offender and/or recipient of the stolen water three times the normal rate of the water taken or estimated to be taken from the District facility;
- c. charge the customer, offender and/or recipient of the stolen water for the damage to the District lock, meter or other property;
- d. remove the meter and plug the service;
- e. terminate and remove the service from its connection to the water main;
- f. charge the customer a deposit, as required under Regulation 9 of the District's Regulations Governing Water Service, to reestablish service;
- g. require the return of any District hydrant meter; and
- h. prohibit any person who has committed three violations of this Ordinance within a twelve-month period from obtaining a District hydrant meter permit for a period of three (3) years from the date of the third violation.

Section 4. Payment and Appeal Procedures. The District shall calculate the amount of damages and penalty(ies) to be imposed, and shall send a bill to the customer, or if the offender is not a customer of record or the recipient of stolen water, an invoice for payment of the damages or penalty(ies) may be sent to the offender and/or the recipient of the stolen water.

a. All costs relating to the District's processing and handling of the water theft, investigation and enforcement thereof, and potential charges for reestablishment of service, shall be borne by the party having responsibility for the water account at the time of the water theft, or if there is no customer of record, by the offender or recipient of the stolen water. These charges include, but are not limited to, service call charges, water charges, turnoff of service, charges for damage to District facilities and equipment, and plug and/or termination fees. Before the meter will be replaced and service reestablished, the party requesting service, if in any way involved in or related to, or associated with, parties involved in the water theft, shall provide a deposit as required under Regulation 9 of the District's Regulations Governing Water Service, plus the standard meter reinstallation fee, in addition to all service call charges, and an amount representing any damage to District property.

b. All charges relating to the District's processing and handling of the water theft involving the taking of water from a public fire hydrant shall be borne by the offender and/or the recipient of the stolen water, including, but not limited to, the cost of any water, charges for any damage to District facilities and equipment, and costs of investigation and enforcement.

c. Any person (an “appellant”) who wishes to appeal the imposition of an administrative penalty imposed by the District pursuant to this Ordinance, or who wishes to appeal the imposition of a three-year prohibition on a hydrant meter permit pursuant to Section 3(h), shall comply with the following procedures:

1. The appellant shall submit an appeal request form to the District’s Customer Service Division no later than fifteen (15) calendar days from the date of the bill or invoice sent to the customer or offender.

2. A response to the appeal request shall be provided by the District within thirty (30) calendar days from receipt of the appeal request form.

3. If an appeal request is denied, the appellant may resubmit the appeal request form no later than fifteen (15) calendar days from the date of the denial for review by the District’s Customer Service Manager.

4. If an appeal request is denied, the appellant may resubmit the appeal request form for review by the District’s Manager of Customer and Community Services Department, or his or her authorized designee. The request form shall be resubmitted no later than fifteen (15) calendar days from the date of the denial of the appeal by the District’s Customer Service Manager. The appellant may request to provide evidence in writing or in person in support of his or her appeal to the District’s Manager of Customer and Community Services Department, or his or her authorized designee.

5. The decision by the District’s Manager of Customer and Community Service, or authorized designee, shall be final.

6. Within ten (10) days after the denial of the appeal is deemed final, the appellant shall pay any disputed penalty(ies) imposed by the District.

7. The provisions of Section 1094.6 of the Code of Civil Procedure of the State of California shall be applicable to judicial review of the decision.

Section 5. Conflicting Provisions. If provisions of this Ordinance are in conflict with each other, other provisions of the District’s regulations or policies, any other resolution or ordinance of the District, or any State law or regulation, the more restrictive provisions shall apply.

Section 6. Severability. If any provision, section, subsection, sentence, clause or phrase or sections of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected, it being the intent of the Board of Directors in adopting this Ordinance that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of any other provision hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 7. Effective Date. This Ordinance shall become effective and in full force at 12:01 a.m. on the thirty-first day after its passage.

The foregoing Ordinance was duly and regularly introduced at a regular meeting of EAST BAY MUNICIPAL UTILITY DISTRICT held on April 14, 2015, at the offices of said District, 375 - 11th Street, Oakland, California, and thereupon, after being read, further action was scheduled for the regular meeting of said Board of Directors held at the same place on April 28, 2015, at which time the Ordinance was finally adopted. An amendment to the foregoing Ordinance was duly and regularly introduced at a regular meeting of EAST BAY MUNICIPAL UTILITY DISTRICT on August 8, 2017, and thereupon, after being read, further action was scheduled for the regular meeting of said Board of Directors on September 12, 2017, at which time the Board of Directors requested additional amendments to the Ordinance. Accordingly, a continued second reading was scheduled for the regular meeting of the Board of Directors on September 26, 2017, at which time the Amended Ordinance was finally adopted to be effective on October 27, 2017.

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WATER THEFT PENALTY ORDINANCE

WHEREAS, California Penal Code section 498 prohibits the theft of utility services, including water; and

WHEREAS, California Penal Code section 624 prohibits every person from willfully damaging, tampering with, or digging up water pipes or waterworks; and

WHEREAS, California Penal Code section 625 prohibits every person who, with intent to defraud or injure, opens or causes to be opened, or draws water from any disconnected utility connection after having been notified that the same has been closed or shut for specific cause, by order of competent authority; and

WHEREAS, any person who violates Penal Code sections 498, 624, or 625 is guilty of a misdemeanor; and

WHEREAS, California Civil Code section 1882 *et seq.* authorizes the East Bay Municipal Utility District (the “District”) to bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts any of the following acts:

- a. Diverts, or causes to be diverted, utility services by any means whatsoever.
- b. Makes, or causes to be made, any connection or reconnection with property owned or used by the utility to provide utility service without the authorization or consent of the utility.
- c. Prevents any utility meter, or other device used in determining the charge for utility services, from accurately performing its measuring function by tampering or by any other means.
- d. Tampers with any property owned or used by the utility to provide utility services.
- e. Uses or receives the direct benefit of all, or a portion, of the utility service with knowledge of, or reason to believe that, the diversion, tampering, or unauthorized connection existed at the time of the use, or that the use or receipt, was without the authorization or consent of the utility; and

WHEREAS, pursuant to California Civil Code section 1882 *et seq.*, the District may bring a civil action for the unauthorized use of District water; and

WHEREAS, the District’s “Regulations Governing Water Service to Customers of the East Bay Municipal Utility District” (the “Regulations”), including Sections 7, 15, 19, and 23, establish rules and regulations that govern the use of water and prohibit water theft from District facilities; and

EXHIBIT A

WHEREAS, pursuant to California Government Code section 53069.4, the District may, by ordinance, make the violation of any ordinance enacted by its Board of Directors subject to a civil administrative fine or penalty; and

WHEREAS, because water is a vital resource, the District has determined that it is appropriate to impose civil administrative fines for the theft of water to protect this vital resource; ~~and~~

WHEREAS, water theft from hydrants and/or the improper use of hydrant meters results in greater water loss to the District than water theft resulting from meter tampering, and may involve a more egregious violation, which includes the reselling of water; and

WHEREAS, water theft in the form of lateral diversion poses significant risks and costs to the District and the community because it may result in compromising water quality, adverse public health impacts, loss of revenues from water sales, and damage to District facilities; and

WHEREAS, those engaging in water theft in the form of unauthorized hydrant use and lateral diversions typically involve individuals who avoid obtaining proper service from the District and paying the associated fees, have a more egregious intent of theft, do not have District water service accounts, and thus impose greater costs to the District in identifying and pursuing them for the purposes of this Ordinance;
~~and~~

BE IT ENACTED by the Board of Directors of the East Bay Municipal Utility District as follows:

Section 1. Recitals. The District hereby finds and determines that the above recitals are true and correct and are incorporated herein.

Section 2. Administrative Penalties.

a. For the purposes of this Ordinance, “water theft” means and includes all of the following:

1. the use, diversion, receipt or taking of District water by any means from any public fire hydrant, blow-off valve, water main, water service lateral or other District facility or connection to a District facility, to which a District authorized metering device has not been installed or has been removed by the District; ~~and~~

2. the use, diversion, receipt, or taking of District water by any means without paying the full and lawful District fees or charges for such water, or by tampering with District property or facilities, such as by removing a lock or plug that has been placed on a customer’s service or meter, or unauthorized use, or by tampering with a service connection or bypassing a meter, or by making an unauthorized connection to any District facilities and any public fire hydrant; ~~and~~ -

3. For the purposes of this ordinance, “unauthorized use” includes the use of water from a stationary service connection where lawful water service has been discontinued or from a public fire hydrant to supply water outside of the District service area, regardless of whether payment is provided to the District for the water drawn from the public fire hydrant, or any use of a hydrant meter in violation of the terms and conditions of a hydrant meter permit.

b. Water theft is prohibited. Each act of water theft constitutes a misdemeanor.

c. The District may report any water theft to the appropriate prosecuting agency and press for prosecution of said activity pursuant to the Penal Code. In addition to pursuing criminal penalties, the District, upon discovering water theft or tampering with District property, may also pursue the following remedies or other remedies available at law or equity:

1. require the immediate removal of any equipment, connections or tools used to accomplish the water theft that is attached to District property;

2. require compliance with District regulations and standards for proper water service; and

3. charge the customer or perpetrator person committing the water theft an administrative penalty of based on type of water theft, as set forth below:

A. Water Theft Via Meter Tampering

i. \$1,000 2000 for the first violation;

ii. B. — \$2,000 4200 for a second violation within a twelve-month period; and

iii. \$3,000 400 for each violation thereafter within a twelve-month period.

B. All Other Forms of Water Theft

i. \$1,000 for the first violation;

ii. \$2,000 for a second violation within a twelve-month period; and

iii. \$3,000 for each violation thereafter within a twelve-month period.

Section 3. Other Remedies. In addition to any other remedies provided in this Ordinance or available under applicable law, the District may alternatively seek injunctive relief in the Superior Court or take enforcement action. All remedies provided herein shall be cumulative and not exclusive. If a District customer or any other person turns on water service without District authorization, tampers with any locked water meter, tampers with a service

connection or District facilities, bypasses a meter, ~~or~~ otherwise makes an unauthorized connection to District facilities without District permission, or commits water theft, the District may do any, or a combination of any, of the following:

- a. turn off the water service and install a lock;
- b. estimate, if necessary, the water taken and charge the customer, offender and/or ~~water~~-recipient of the stolen water three times the normal rate of the water taken or estimated to be taken from the District facility;
- c. charge the customer, offender ~~or and/or~~ ~~water~~-recipient of the stolen water for the damage to the District lock, meter or other property;
- d. remove the meter and plug the service;
- e. terminate and remove the service from its connection to the water main;
- f. charge the customer a deposit, as required under Regulation 9 of the District's Regulations Governing Water Service, ~~of two times the amount of the average use~~ to reestablish service;
- g. require the return of any District hydrant meter; and
- h. prohibit any person who has committed three violations of this Ordinance within a twelve-month period from obtaining a District hydrant meter permit for a period of three (3) years from the date of the third violation.

Section 4. Payment and Appeal Procedures. The District shall calculate the amount of damages and penalty(ies) to be imposed, and shall send a bill to the customer, or if the offender is not a customer of record or the recipient of stolen water, an invoice for payment of the damages or penalty(ies) may be sent to the offender and/or ~~water user or the~~ recipient of the stolen water.

- a. All costs relating to the District's processing and handling of the water theft, investigation and enforcement thereof, and potential charges for reestablishment of service, shall be borne by the party having responsibility for the water account at the time of the water theft, or if there is no customer of record, by the offender or ~~water user or~~ recipient of the stolen water. These charges include, but are not limited to, service call charges, water charges, turnoff of service, charges for damage to District facilities and equipment, and plug and/or termination fees. Before the meter will be replaced and service reestablished, the party requesting service, if in any way involved in or related to, or associated with, parties involved in the water theft, shall provide a deposit as required under Regulation 9 of the District's Regulations Governing Water Services ~~shall deposit twice the average bi-monthly water bill~~, plus the standard meter reinstallation fee, in addition to all service call charges, and an amount representing any damage to District property.

b. All charges relating to the District's processing and handling of the water theft involving the taking of water from a public fire hydrant shall be borne by the offender ~~and/or water user or the~~ recipient of the stolen water, including, but not limited to, the cost of any water, charges for any damage to District facilities and equipment, and costs of investigation and enforcement.

c. Any person (an "appellant") who wishes to appeal the imposition of an administrative penalty imposed by the District pursuant to this Ordinance, or who wishes to appeal the imposition of a three-year prohibition on a hydrant meter permit pursuant to Section 3(h), shall comply with the following procedures:

1. The appellant shall submit an appeal request form to the District's Customer Service Division no later than fifteen (15) calendar days from the date of the bill or invoice sent to the customer or offender.

2. A response to the appeal request shall be provided by the District within thirty (30) calendar days from receipt of the appeal request form.

3. If an appeal request is denied, the appellant may resubmit the appeal request form no later than fifteen (15) calendar days from the date of the denial for review by the District's Customer Service Manager.

4. If an appeal request is denied, the appellant may resubmit the appeal request form for review by the District's Manager of Customer and Community Services Department, or his or her authorized designee. The request form shall be resubmitted no later than fifteen (15) calendar days from the date of the denial of the appeal by the District's Customer Service Manager. The appellant may request to provide evidence in writing or in person in support of his or her appeal to the District's Manager of Customer and Community Services Department, or his or her authorized designee.

5. The decision by the District's Manager of Customer and Community Service, or authorized designee, shall be final.

6. Within ten (10) days after the denial of the appeal is deemed final, the appellant shall pay any disputed penalty(ies) imposed by the District.

7. The provisions of Section 1094.6 of the Code of Civil Procedure of the State of California shall be applicable to judicial review of the decision.

Section 5. Conflicting Provisions. If provisions of this Ordinance are in conflict with each other, other provisions of the District's regulations or policies, any other resolution or ordinance of the District, or any State law or regulation, the more restrictive provisions shall apply.

Section 6. Severability. If any provision, section, subsection, sentence, clause or phrase or sections of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected, it being the intent of the Board of Directors in adopting this Ordinance that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of any other provision hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 7. Effective Date. This Ordinance shall become effective and in full force at 12:01 a.m. on the thirty-first day after its passage.

The foregoing Ordinance was duly and regularly introduced at a regular meeting of EAST BAY MUNICIPAL UTILITY DISTRICT held on April 14, 2015, at the offices of said District, 375 - 11th Street, Oakland, California, and thereupon, after being read, further action was scheduled for the regular meeting of said Board of Directors held at the same place on April 28, 2015, at which time the ~~same Ordinance~~ was finally adopted. ~~by the following vote: An amendment to the foregoing Ordinance was duly and regularly introduced at a regular meeting of EAST BAY MUNICIPAL UTILITY DISTRICT on August 8, 2017, and thereupon, after being read, further action was scheduled for the regular meeting of said Board of Directors on September 12, 2017, at which time the Amended Ordinance was finally adopted by to be effective on October 13, 2017.~~ further action was scheduled for the regular meeting of said Board of Directors on September 12, 2017, at which time the Board of Directors requested additional amendments to the Ordinance. Accordingly, a continued second reading was scheduled for the regular meeting of the Board of Directors on September 26, 2017, at which time the Amended Ordinance was finally adopted to be effective on October 27, 2017.