

SECTION 7: MISCELLANEOUS PROVISIONS

Section 7.01 Conflicts:

In the event of a conflict between any provision of this Ordinance and the provisions of any other ordinance, rule or regulation promulgated by any California city or county or by any federal or state agency, the provisions of this Ordinance shall prevail except in cases where Federal or California law provide otherwise.

Section 7.02 Appeals Procedure:

Any person aggrieved by a decision of the General Manager in the application of any provision of this Ordinance may appeal said decision to the Board of Directors pursuant to the following procedure:

- A. Within 20 calendar days after receipt of written notice of the decision of the General Manager, the aggrieved party may file a written Notice of Appeal setting forth in detail the reasons for said appeal. In the event no written Notice of Appeal is filed within the aforesaid 20 calendar day period, the decision of the General Manager shall become final.
- B. Immediately upon receipt of any Notice of Appeal filed within the said 20 calendar day period, the Secretary shall mail copies thereof to each member of the Board of Directors.
- C. At the next regular meeting following the filing of said Notice of Appeal, the Board can either hear the appeal or set a time convenient to the Board of the hearing of such appeal.
- D. The aggrieved or appealing party, or his authorized representative, shall be personally present at the hearing of such appeal and failure of said aggrieved party or his authorized representative to appear at said hearing shall constitute sufficient grounds to affirm the decision of the General Manager.

Section 7.03 Severability:

It is hereby declared that in the event any provision or section of this Ordinance is declared void or invalid by any Court of competent jurisdiction, that the remaining sections of the Ordinance shall not be affected thereby, and it is the intent of said Board of Directors to enact each and every, all and singular, of the provisions of this Ordinance irrespective of any provision which may be declared null and void.

Section 7.04 Vested Contractual Rights Not Affected:

No provision of this Ordinance shall be construed as altering or affecting any vested contractual rights between the District and any person, firm, or corporation with whom a valid contract exists as of the effective date of this Ordinance.

Section 7.05 Prior Ordinance Repealed:

Ordinance 01-01 of South Placer Municipal Utility District is hereby repealed.

Section 7.06 Introduction/Publication/Effect:

- A. This Ordinance was introduced at a regular meeting of the Board of Directors on the 4th day of June, 2009.
- B. Upon final passage, this Ordinance or a summary of this Ordinance shall be published once a week for two successive weeks in a newspaper of general circulation within the District, pursuant to the provisions of Sections 11534 and 11910 of the Public Utilities Code.
- C. Ordinance to take effect upon final passage, retroactive to July 1, 2009.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of South Placer Municipal Utility District on this 2nd day of July, 2009 by the following vote:

AYES: Directors Murdock, Markey, Mitchell, Dickinson

NOES: None

ABSTAIN: None

ABSENT: None