



## **Agenda Background**

**Meeting Date:**

**Agenda Title:**

**Agenda Item:**

**Presented by:**

**Type of Item:**

**Type of Action Required:**

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**FIELDBROOK GLENDALE CSD H.B.M.W.D. JUL 19 2021**

PO Box 95 • EUREKA, CALIFORNIA 95502-0095

707-443-5018 EMAIL: BILLING@HBMWD.COM

September 1, 2020

John Edwards  
2333 Fieldbrook Rd  
McKinleyville CA 95519

Account Number:2840.01

**Office Hours**  
Monday – Friday  
8:30-12:00, 1:00-5:00

Dear John Edwards,

Previously based on the repeated vandalism to District Property and your continued failure to comply with prior demands for payment, District staff removed the water meter at your residence of 2333 Fieldbrook Rd on Tuesday February 18, 2020. At that time, your meter was removed and a locking mechanism was installed.

On August 5, 2020 it was discovered that the locking mechanism had again been removed (vandalism) and water theft was again occurring.

The District is now forced to take further action of entirely removing water service to this property by disconnecting it at the main line (corp stop). The charges associated with this are listed below. **To have service re-installed at this location, the full balance must be paid, IN ADDITION to another \$3,018.26 to reconnect the residence to the main line.**

December 18, 2019	Water Service Discontinued for Non-Payment
December 26, 2019	Lock found to be cut, water theft occurring, lock re-installed
January 22, 2020	Meter-Stop found to be damaged (cut), water theft occurring
January 22, 2020	Water unable to be shut-off due to damage
January 30, 2020	Attempted removal of meter – unable due to significant vandalism
February 18 ,2020	Water meter was removed and lock was installed
August 5, 2020	Vandalism and water theft occurred after lock is missing

As per District Ordinance 91.1, the actions detailed above subject this account to a lock replacement fee and an additional fine for tampering – requiring replacement of damaged property. The charges added to this account are detailed below:

1. Original Balance at non-payment lock-off	\$201.55
2. Discontinuation/Lock-Off Fee	\$70.00
3. Lock Replacement Fee	\$13.78
4. Replacement of angle meter stop (labor and materials)	\$327.40
5. December Regular Water Billing and water theft	\$112.38
6. January Regular Water Billing-including recent theft	\$292.74
7. February Regular Water Billing-including recent theft- Meter Removal	\$148.32
8. Meter Removed. Lock Device Installed	\$1,330.40
9. August Water Service Base Charge due to water theft	\$148.32
10. Tampering Charge – Vandalism	\$150.00
11. Angle Meter Stop Valve Lock - removal of Locking Device	\$30.85
12. <u>Water Service Removal at Main Line Charges</u>	<u>\$3,018.26</u>
<b>TOTAL FEES/FINES/CHARGES</b>	<b>\$5,844.00</b>
Service Reconnection	\$3,018.26
<b>TOTAL DUE</b>	<b>\$8,862.26</b>

The District has notified and been in communication with the Humboldt County Code Enforcement staff. A police report has also been filed with the Humboldt County Sheriff's Department.

Water Service at 2333 Fieldbrook Road is being discontinued by the District and will not be reinstalled until full payment of \$8,862.26 is received by the District. No further notifications will be provided.

### Sheriff's Online Crime Report

#### Welcome to the Humboldt County Sheriff's Office Online Police Reporting System.

Welcome to the Humboldt County Sheriff's Office Online Police Reporting System. If this is an Emergency please call 911. Using this online police report system allows you to submit a report immediately and print a copy of the report for free.

**Please confirm the following to find out if online citizen police report filing is right for you:\***

All options below must be true in order to continue with your report.

- This is not an emergency.
- This incident occurred within the Humboldt County Sheriff's Office jurisdiction (not including incorporated cities)
- There are no known suspects.
- This did not occur on a state freeway.

**Are you reporting this crime for yourself or for a business?\***

- Victim
- Business

**Your First Name\***

Richard

**Your Last Name\***

Hanger

**Date of Birth**

11/28/1959

**Sex**

Male

**Your Street Address\***

5021 Mitchell Road

**Street Address**

**City\***

Eureka

**State\***

California

**Zip\***

95503

**Daytime Phone Number\***

(707) 443-3316

(xxx) xxx-xxxx

**Evening Phone Number\***

(707) 443-3316

(xxx) xxx-xxxx

**Email Address\***

rhanger50@gmail.com

**Preferred Contact Method**

Email Address ▼

**Business Name**

Fieldbrook Glendale CSD

**Business Contact First Name**

Fieldbrook Glendale CSD

**Business Contact Last Name**

Fieldbrook Glendale CSD

**Business Address**

4584 Fieldbrook Road

**Address 2**

**City**

McKinleyville

**State**

CALIFORNIA

**Zip**

95519

**Business Phone Number**

(707) 443-3316

(xxx) xxx-xxxx

**Type of Incident\***

Vandalism ▼

**Date Reported\***

8/7/2020

Today's Date

**Incident Date/Time (start)\***

8/5/2020

03:09 PM

**Incident Date/Time (end)**

8/5/2020

03:09 PM

**Incident Street Address\***

2333 Fieldbrook Road

**Street Address 2**

**City\***

McKinleyville

**State\***

CA

**Zip**

95519

**Incident Description**

Water meter vandalized, water theft, lock cut. Hose connected. This is the third incident of water theft and meter/lock vandalism.

Please enter a detailed description of the incident.

**What is the estimated cost of damages associated with the vandalism?**

\$1,200

**Acknowledgement\***

I certify that the information I am providing is true and to the best of my knowledge all times, dates and locations are as accurate as possible. I understand that I will not receive a case number until my report has been submitted and reviewed by the Humboldt County Sheriff's Office. I will provide any additional information that the Sheriff's Office requires to enable them to investigate or process my report. I understand that not all crimes are investigated and that submitting this report does not ensure that this crime will be investigated. I understand that I may be charged for a copy of this report and that requests for a report copy are fulfilled through the U.S. mail.

Yes

**Next Steps**

Once you submit your report it will be reviewed by the Humboldt County Sheriff's Office, if additional information is needed you will be contacted by phone. If no further information is required, a case number will be assigned to your incident and emailed to you.

**RECORDING REQUESTED BY:**

Lawrence O. Eitzen  
816 Third Street  
Eureka, CA 95501

**2020-019707**

Recorded - Official Records  
Humboldt County, California  
Kelly E. Sanders, Recorder  
Recorded by: EITZEN

Pages: 8

Recording Fee: \$ 34.00  
Tax Fee: \$0  
Clerk: tn Total: \$34.00  
Oct 29, 2020 at 09:03:20



**When Recorded Mail Document To:**

Fieldbrook Glendale Community Services District  
P.O. Box 2715  
McKinleyville, CA 95519

**LIEN CERTIFICATE OF DELINQUENCY OF JOHN EDWARDS  
BY FIELDBROOK GLENDALE COMMUNITY SERVICES DISTRICT**

*GC 27388.1 (a)(2)(D) - Execution by municipality*  
(Pursuant to Government Code Section 61115(c))

1) The Fieldbrook Glendale Community Services District is a community services district organized and operating pursuant to California Government Code §61000 et seq.: to develop and distribute water and sewer services for its owners/residents.

2) The Community Services District levied cost assessments and has established a rate structure whereby each member is responsible for a proportionate share of costs currently set at the amount of a base rate of \$49.44 per month plus \$2.70 for every 100 cf in excess of 500 cf, for each metered connection.

3) John Edwards is the owner of A.P.N. 516-011-013, -017, -018, located at 2333 Fieldbrook Rd., McKinleyville, CA 95519, within the Fieldbrook Glendale Community Services District located in an unincorporated portion of Humboldt County which is described in Exhibit A. a copy of which is attached hereto and incorporated herein.

4) As a recipient of services, John Edwards has been assessed fees noted on the attached Summary of Account. John Edwards' service began on October 31, 2018 and his Account No.2840.01 first became delinquent on April 30, 2019, and continues delinquent to the present. John Edwards had partial delinquent balances from April 2019 through October 2019, sometimes bringing past due amounts current, but not currently billed charges. Since November 2019, John Edwards has made no payments. Monthly bills are sent out on the last Wednesday of each month and were due and payable on receipt. Each monthly obligation became delinquent on the 23rd day of the month after bills were sent out. Any unpaid balance is subject to a 10% penalty. In addition, after a lock-off was initiated for non-payment, John Edwards or his agent(s) cut the lock & restarted the water service. After another, stronger lock was installed, that lock and the meter were damaged by John Edwards or his agent(s) and the District incurred expense to remove the water service at the main line. In addition, John Edwards misinformed the District of the number of residential structures on the property, which would have increased his rate significantly. The charges owed are detailed on the Summary of Account.

Past-due balance as of September 30, 2020

\$5,844.00

5) Pursuant to Government Code Section 61115, this Lien Certificate shall serve as and is a lien on the property located on 2333 Fieldbrook Rd., McKinleyville, CA 95519, having the parcel number 516-011-013,-017,0-018, described in Exhibit A and any other properties owned by John Edwards, for the charges owed, together with penalties.

DATED: 10/26/2020

LAWRENCE O. EITZEN  
Attorney for Plaintiff  
  
RICK HANGER  
General Manager

DATED: 10.26.2020

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )

County of Humboldt )

On October 26 2020, before me, Maureen Bolton a Notary Public, personally appeared Lawrence D. Eitzen who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon the behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Maureen Bolton



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )

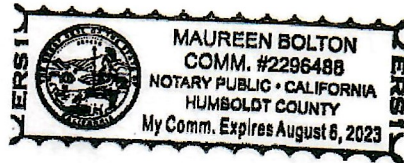
County of Humboldt )

On October 26 2020, before me, Maureen Bolton a Notary Public, personally appeared Rick Hanger, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon the behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Maureen Bolton





A.P.N. 516-011-13,17 & 18

**EXHIBIT A**

**PROPERTY DESCRIPTION**

That real property situate in Section 1, Township 6 North, Range 1 East, in the County of Humboldt, State of California, described as follows:

**PARCEL ONE:**

All that portion of Parcel 4 as shown on Parcel Map No. 10, on file in the Office of the County Recorder of Humboldt County, California, in Book 1 of Parcel Maps, Page 22, which lies South of the following described line:

BEGINNING on the East line of said Parcel 4, at a point distant thereon North 0 degrees 0 minutes 30 seconds West, 240 feet from the Southeast corner of said parcel;

Thence West to the West line of said Parcel 4.

TOGETHER WITH the following described property:

COMMENCING on the East line of the aforementioned Parcel 4, distant thereon North 0 degrees 0 minutes 30 seconds West 240 feet from the Southeast corner thereof;

Thence South 89 degrees 57 minutes 46 seconds West (Deed bearing West) along the South line of the lands conveyed to Beverly Jones per Document 2001-16704-3 a distance of 913.86 feet to a 1/2" diameter iron pipe monument with plug stamped "LS 3797" as shown in Book 60 of Surveys, Page 80, recorded March 1, 2001 in the Office of the County Recorder of said County, said point being the True Point of Beginning;

Thence continuing along said South line South 89 degrees 57 minutes 46 seconds West a distance of 320.00 feet to a 1/2" diameter iron pipe monument with plug stamped "LS 3797" as shown on Book 60 of Surveys, Page 80;

Thence North 69 degrees 06 minutes 53 seconds East a distance of 109.28 feet, said point being monumented by a 1" diameter iron pipe with plug stamped "LS 7793";

Thence North 89 degrees 57 minutes 46 seconds East a distance of 115.85 feet, said point being monumented by a 1" diameter iron pipe with plug stamped "LS 7793";

Thence South 69 degrees 10 minutes 10 seconds East a distance of 109.18 feet to the Point of Beginning.

EXCEPTING from the above PARCEL ONE the following described property:

COMMENCING on the East line of the aforementioned Parcel 4, distant thereon North 0 degrees 0 minutes 30 seconds West 240 feet from the Southeast corner thereof;

Thence South 89 degrees 57 minutes 46 seconds West (Deed bearing West) along the South line of the lands conveyed to Beverly Jones per Document 2001-16704-3 a distance of 1340.35 feet, said point monumented with a 1" diameter

Exhibit A cont'd

APN 516-011-13, 17 & 18

iron pipe monument with plug stamped "LS 7793", said point being the True Point of Beginning;

Thence continuing along said South line of Jones South 89 degrees 57 minutes 46 seconds West 183.51 feet, more or less, to the East line of Fieldbrook Road;

Thence southerly along said East line of Fieldbrook Road 94 feet, more or less, to a point that bears South 60 degrees 45 minutes 41 seconds West from the Point of Beginning;

Thence North 60 degrees 45 minutes 41 seconds East 188.83 feet to the Point of Beginning.

Bearings for this description are based on Book 60 of Surveys, Page 80, Humboldt County Records.

**PROOF OF SERVICE**

I am a citizen of the United States and a resident of the County of Humboldt, over the age of eighteen years and not a party to or interested in the within-entitled cause. My business address is 816 Third Street, P.O. Box 75, Eureka, California 95501.

On this date, I served the within:

Lien Certificate of Delinquency of John Edwards by Fieldbrook Glendale Community Services District

X By placing a true copy thereof enclosed in a sealed envelope with first class postage thereon fully prepaid, for collection and mailing on this date and at the place shown, to the following party(ies) and at the address(es) set forth below. I am readily familiar with this business's practice for collecting and processing documents for mailing. On the same day that documents are placed for collection and mailing, they are deposited in the ordinary course of business with the United States Postal Service at Eureka, California.

\_\_\_ By personally delivering a true copy thereof to the party(ies) and at the address(es) set forth below.

\_\_\_ By personally faxing a true copy thereof to the party(ies) and at the fax number(s) as set forth below.

John Edwards  
2333 Fieldbrook Rd.  
McKinleyville, CA 95519

Rick Hanger  
General Manager, FCSD  
P.O. Box 2715  
McKinleyville, CA 95519

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 26, 2020, at Eureka, California.

Maureen Bolton  
Maureen Bolton

# FIELDBROOK GLENDALE CSD

PO Box 95 • EUREKA, CALIFORNIA 95502-0095

707-443-5018 EMAIL: BILLING@HBMWD.COM

June 29, 2021

John Edwards  
2333 Fieldbrook Rd  
McKinleyville CA 95519

Account Number:2840.01

**Office Hours**  
Monday – Friday  
8:30-12:00, 1:00-5:00

Dear John Edwards,

Per your phone request, here are the estimated charges due to restore water service at 2333 Fieldbrook Rd., McKinleyville.

1. Lien amount	\$5,844.00
2. Attorney Fees	\$ 636.00
3. Filing Fee	\$ 22.00

<b>TOTAL FEES/FINES/CHARGES</b>	<b>\$6,502.00</b>
Service Reconnection	\$3,018.26
<b>TOTAL DUE</b>	<b>\$9,520.26</b>

Water Service at 2333 Fieldbrook Road is Discontinued and will not be reinstalled until full payment of \$9,520.26 is received by the District.

GOVERNMENT CODE 910 CLAIM

In the Matter of the claim of

JOHN EDWARDS,

Vs

FIELDBROOK GLENDALE  
COMMUNITY SERVICES DISTRICT

John Edwards hereby presents this claim to the Fieldbrook Glendale Community Services District pursuant to Section 910 of the California Government Code.

The name and post office address of the claimant is John Edwards 2333 Fieldbrook Rd. McKinleyville Ca. 95519 Telephone 707 599 3295.

The post office address to which John Edwards desires notice of his claim to be sent is 2333 Fieldbrook Rd. McKinleyville Ca. 95519.

On September 1, 2020 a letter was sent to claimant from the Fieldbrook Glendale Community Services district, hereinafter referred to as the District informing the claimant that to restore water service to his property would require a payment of \$8,862.26. A copy of the letter is attached hereto as Attachment A.

For the purposes of clarity to the District board, claimant claims that he owes nothing and requests restoral of water service with no fees whatsoever. As a practical matter claimant is willing to discuss a compromise of the claim, but barring such compromise to his claim and upon the denial of his claim intends to sue the District in

Declaratory relief and request a judicial declaration that water service be restored upon whatever conditions to court deems are legally required.

Claimant asserts that requiring payment of \$8,862.26 to restore water service is unlawful.

Date: July 14, 2021

  
JOHN EDWARDS

John C EDWARDS  
2333 Fieldbrook Dr  
95519 CA

H.B.M.W.D. JUL 19 2021

PLACE STAMP HERE  
or Log on and  
Pay Online  
[www.LabCorp.com/bill](http://www.LabCorp.com/bill)

Fieldbrook Elementary  
Community Services District

Pay Online  
Please visit [www.labcorp.com/billing](http://www.labcorp.com/billing)  
or call 800-845-6167

Richard Howard



**NOTICE OF INSUFFICIENCY OF CLAIM AND RETURN WITHOUT ACTION**

To:  
John Edwards

Date of Claim:  
7/19/21

This is to advise you that your Claim has been reviewed, evaluated, and found to be deficient for the reason(s) checked below:

- 1. The Claim fails to state the name and mailing address of the claimant.
- 2. The Claim is not signed.
- 3. The Claim fail to state the mailing address to which the person desires notice to be sent.
- 4. The Claim does not provide enough information to determine when, where, and/or how the incident/accident occurred.
- 5. The Claim does not provide enough information to determine what the loss, damage, or injury is.
- 6. The Claim does not provide enough specific information to determine what, if anything, the public entity did or failed to do to create liability exposure.
- 7. The Claim does not comply with Government Code 910(f) as to the amount sought or the court of appropriate jurisdiction.
- 8. The Claim does not provide the name(s) of any of our employees who may be responsible for the incident/accident.

The Claim will not be acted upon for fifteen (15) days from the date of this Notice to allow for your amendment of the Claim.

**WARNING: A Claim that is deficient or does not contain sufficient information, as required by law, may not be considered to have been filed in a timely manner and may prevent the prosecution of a lawsuit based on the incident/accident which is subject of this Claim.**

**PROOF OF SERVICE**

On 7/28/21, I served the within NOTICE OF INSUFFICIENCY OF CLAIM on the claimant by placing a true copy (Date) thereof enclosed in a sealed envelope in the outgoing mail addressed as requested by the claimant.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Fieldbrook, Humboldt County, California, on 7/28/21.

\_\_\_\_\_  
Richard Hanger  
General Manager  
Date: 7/28/21

Please complete the enclosed claim form.





# Fieldbrook Glendale Community Services District

water · sewer · fire

## **NOTICE OF REJECTION OF CLAIM**

Fieldbrook Glendale Community Services District

Notice is hereby given that the Claim which you presented to Fieldbrook Glendale Community Services District on 7/19/21 was rejected by Fieldbrook Glendale Community Services on 8/24/21.

## **WARNING**

Subject to certain exceptions, you have six (6) months from the date this Notice of Rejection of Claim was personally delivered or deposited in the mail to file a court action on this Claim. (See Government Code Section 945.6.)

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

This Notice of Rejection of Claim applies only to claims under state law and shall not extend any time limits as may be imposed upon the claimant(s) for pursuit of the claimant(s)' rights under federal laws, statutes, or other sources of rights of recovery in favor of claimant(s).

Please also be advised that pursuant to Sections 128.5 et seq. and 1038 of the California Code of Civil Procedure, the Fieldbrook Glendale Community Services will seek to recover all costs of defense in the event a legal action is filed on the matter and it is determined that the action was not filed in good faith and with reasonable cause, or as otherwise determined to justify the imposition of attorney's fees and costs of suit pursuant to such sections, as well as any other sections or laws enuring to the benefit of the Fieldbrook Glendale Community Services, its officers, officials, employees, agents, or representatives.

## **PROOF OF SERVICE**

On 8/25/21, I served the within **NOTICE OF REJECTION OF CLAIM** on the claimant by placing a true copy thereof enclosed in a sealed envelope in the outgoing mail addressed as requested by the claimant.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Fieldbrook, Humboldt County, California, on 8/25/21.

Richard Hanger  
General Manager