

DATE SUBMITTED March 13, 2020
 SUBMITTED BY L Gutierrez
 DATE ACTION REQUIRED March 18, 2020

COUNCIL ACTION (x)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION (x)
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS AB

IMPERIAL CITY COUNCIL AGENDA ITEM

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|--|---|---|---|-----------------|--------------|-----------------|--------------|--------------|--|
| SUBJECT: DISCUSSION/ACTION: RESIDENTIAL WATER DISCONNECT POLICY. | | | | | | | | | |
| <ol style="list-style-type: none"> 1. APPROVAL OF RESOLUTION NO. 2020-0 <u>2020-0</u> ADOPTING THE RESIDENTIAL WATER DISCONNECT POLICY AND PRESERVING RESOLUTION NO. 2016-21 AS IT RELATES TO COMMERCIAL ACCOUNTS FOR WATER AND ALL ACCOUNTS FOR SEWER, SOLID WASTE AND STATE AB939. 2. EXPENDITURE OF FUNDS FOR TRANSLATION OF RESIDENTIAL WATER DISCONNECT POLICY INTO FIVE (5) LANGUAGES AS REQUIRED BY LAW - NOT TO EXCEED \$7,500. | | | | | | | | | |
| DEPARTMENT INVOLVED: ADMINISTRATIVE SERVICES DEPARTMENT | | | | | | | | | |
| BACKGROUND/SUMMARY: State Senate Bill No. 998 prohibits the City from disconnecting residential water service for non-payment if customer has been delinquent in any amount fewer than sixty (60) consecutive days. Due to this bill, the City is required to establish a written policy on new guidelines for the disconnection of residential water accounts only. This policy does not apply to non-residential accounts. | | | | | | | | | |
| FISCAL IMPACT: Not to exceed \$7,500 | F.O. INITIALS <u>VB</u> | | | | | | | | |
| STAFF RECOMMENDATION: Staff recommends adoption of Resolution and Policy. | | | | | | | | | |
| MANAGER'S RECOMMENDATION: It is my recommendation to approve staff recommendation. | MANAGER'S INITIALS <u>AB</u> | | | | | | | | |
| MOTION: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> SECONDED: AYES: NAYES: ABSENT: </td> <td style="width: 50%; border: none;"> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">APPROVED ()</td> <td style="width: 50%;">REJECTED ()</td> </tr> <tr> <td>DISAPPROVED ()</td> <td>DEFERRED ()</td> </tr> <tr> <td colspan="2">REFERRED TO:</td> </tr> </table> </td> </tr> </table> | | SECONDED: AYES: NAYES: ABSENT: | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">APPROVED ()</td> <td style="width: 50%;">REJECTED ()</td> </tr> <tr> <td>DISAPPROVED ()</td> <td>DEFERRED ()</td> </tr> <tr> <td colspan="2">REFERRED TO:</td> </tr> </table> | APPROVED () | REJECTED () | DISAPPROVED () | DEFERRED () | REFERRED TO: | |
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| POLICY NAME: RESIDENTIAL WATER DISCONNECT POLICY | AUTHORITY: CITY OF IMPERIAL |
| APPLICATION: TO ENSURE COMPLIANCE WITH SENATE BILL NO. 998 RELATING TO RESIDENTIAL WATER DISCONTINUANCE FOR NON PAYMENT. | DATE APPROVED: March 18, 2020 Resolution: _____ |

RESIDENTIAL WATER DISCONNECT POLICY

I. PURPOSE

The purpose of this Residential Water Disconnect Policy (“Policy”) is to establish guidelines for disconnection of residential water service for non-payment, pursuant to Senate Bill No. 998. The policy does not apply to termination of service at the request of the residential water customer or to termination by the City of Imperial (“City”) due to unauthorized actions of a residential customer or non-residential, such as commercial accounts.

The Policy will be available to the public on the City’s Internet Website (www.cityofimperial.org) and shall be provided in writing upon request. This Policy will also be available in Spanish, Chinese, Tagalog, Vietnamese and Korean and any other language spoken by at least ten (10) percent of the people residing in the City.

Residential customers are to contact the City Utility Billing Division at (760) 355-1247 to discuss options for avoiding disconnection of residential water service for non-payment under the terms and conditions of this Policy.

II. PROCEDURES

1. Requirements for Discontinuing Residential Water Service: The City may not discontinue residential water service under the following circumstances:
 - A. If customer has been delinquent in any amount fewer than sixty (60) consecutive calendar days.
 - B. During the timely appeal process of a utility bill as provided in Section 3 below.
 - C. If the conditions of 4.A.(i). Primary Care Provider Certification or 4.A.(ii). Low Income Household Declaration have been met and the customer complies with the requirements of an alternative payment arrangement including payment of the current bill when due.

2. City Contact with Customer:
 - A. City Administrative Services Department representative shall contact the customer named on the account by telephone or written notice, no less than seven (7) business days before discontinuation of service for non-payment.

- B. The written notice of delinquency and impending discontinuation, "Delinquency Notice" will be mailed to the customer(s) named on the account. If the customer(s) mailing address is not the address of the property to which service is provided, the Delinquency Notice shall also be sent to the address of the property to which service is provided, addressed to "Occupant."
 - C. If the City contacts the customer named on account by telephone, it shall offer to provide the City's Policy to the customer and also offer to discuss options to avoid discontinuation of service for non-payment.
 - D. If the City is unable to make contact with the customer or an adult occupying the residence by telephone, and written notice is returned as undeliverable, a City representative shall make "Good Faith Effort" to visit the residence and post this Policy and Delinquent Notice (in a language used by the customer, if known) in a prominent and conspicuous location by placing it in a door hanger.
3. Formal Process to Appeal or Contest Payment on an Existing Account:
- A. Any adult residential customer contesting payment of a utility bill due to alleged incorrect consumption and or service charges amounts may appeal the utility bill. The appeal may be filed even if the amount is delinquent. The customer filing the appeal shall submit in writing by marking "UTILITY BILL APPEAL" on the document, and must include the following: Date, Customer Name, Account Number, Location Address, Mailing Address, Delinquent Amount, Date of Delinquent Notice and the reason for the appeal to initiate the appeal process. There is NO FEE for the appeal. All bills or other evidence shall be attached to the document and it must be signed by the adult responsible for payment of the account.
 - B. The Appeal must be submitted no later than fifteen (15) calendar days after the date of Delinquent Notice or of receipt of the bill, whichever is applicable.
 - C. The appeal request shall be reviewed by the Administrative Services Director or his/her designee. The Administrative Services Director will grant or deny the appeal and may set payment terms within ten (10) calendar days of receipt of a completed Appeal. The decision of the Administrative Services Director shall be final.
 - D. The City shall not discontinue residential services for non-payment while an appeal is pending. Filing of an appeal does not stop collection of water bills that have not been appealed.
 - E. If the appeal is denied and no payment terms are set, payment is due within thirty (30) calendar days of the written decision of the Administrative Services Director.
4. Postponing Discontinuance of Residential Service for Non-payment:
- A. The City will not discontinue residential service if ALL of the following conditions are met:
 - (i). Primary Care Provider Certification: The customer or tenant of the customer submits to the City the certification of a primary care provider (as defined in Section 14088 of the Welfare and Institutions Code) that

discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of a resident of the premises where residential service is provided.

- (ii). Low Income Household Declaration: The customer shall be deemed financially unable to pay for residential service if any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level (See also Section 7).
 - (iii). Alternate or other Repayment Arrangement: The customer is willing to enter into an amortization agreement, alternative payment schedule or a plan for deferred or reduced payment, consistent with this Policy and provides a signed request for "Alternative Payment" in writing.
- B. Where all of the conditions in Section 4.A. above are met, the Administrative Services Director will select and offer the customer one or more of the following options: amortization of the unpaid balance, participation in an alternative payment schedule, a partial or full reduction of the unpaid balance or a temporary deferral of payment.
- C. The City may discontinue residential water service five (5) business days after the City posts the "Final Notice of Disconnection" in a prominent and conspicuous place at the property using a door hanger where
- (i). Customer fails to comply with the payment option for sixty (60) consecutive calendar days or more.
 - (ii). While undertaking the payment option, the customer does not pay the current residential service charges for sixty (60) calendar days or more.

5. Alternative Payment Arrangements:

A. Amortization Agreement:

- (i). Payment arrangements that extend into the next billing period are also considered an amortization plan, which must be in writing and signed by the customer.
 - (ii). Repayment options should result of repayment of the outstanding balance within twelve (12) months from the original date of the bill. The Administrative Services Director may grant a longer repayment period if he/she finds the longer period is necessary to avoid undue hardship to the customer based on the circumstances of the individual case.
 - (iii). In general, amortized or other repayments will be combined with, and subject to the due date of the customer's regular bill.
- B. The customer must comply with the terms of the repayment option as well as pay

the current water bill.

- (i). Customer may not request further amortization of any additional unpaid charge while paying delinquent charges pursuant to an amortization plan.
 - (ii). Customer is in default if no payment is made to current residential service charges for sixty (60) calendar days or more and the notice provisions of Section 2 above shall not apply before disconnection.
 - (iii). Payment with a dishonored check is considered failure to pay as of the date of the check.
- C. Alternative Payment Schedule: Any customer who is unable to pay water service within the normal payment period may request a temporary "Alternative Payment Schedule" to avoid late fees or disruption of service. The Administrative Services Director will review the request and make a determination as to whether the payment arrangement is warranted within ten (10) calendar days of receipt of a complete request. The decision of the Administrative Services Director is final.
- D. Plan for deferred or reduced payments: Any residential customer may apply for an extension of time to pay delinquent charges or address charges that may become delinquent because of inability to pay. A payment extension may be requested in writing or by telephone to the City Utility Billing Division. This request must be submitted to the Administrative Services Director before the date of delinquency. Any extension granted will be valid through the 15th of the month following the month in which delinquent notices was generated or on the specified date approved by the Administrative Services Director. The delinquent charge of \$50 dollars is applicable. The entire account balance plus the \$50 dollars charge shall be paid in full on or before the date granted for extension to avoid interruption of service.
- E. Delinquent Charges: The Administrative Services Director may waive the delinquency charge when the person presents good and sufficient reason that the failure to pay any water bill by the delinquency date was caused by reason beyond the customer's control.
6. Landlord-Tenant Water Payment:

The following guidelines apply where there is a landlord-tenant relationship between the residential tenants and the owner, manager, or agent of the dwelling and the owner, manager, or agent is the water service customer and has not or cannot pay for the water service.

- A. If the City furnishes individually metered residential service to the landlord, the City shall make every good faith effort to inform the tenants when the landlord's account is in arrears that service will be terminated at least ten (10) calendar days prior to the termination. The notice shall further inform the tenants that they have the right to become customers and the details of such service agreement such as to whom, the service will then be billed, without being required to pay any amount which may be due on the delinquent account. This notice will be delivered by door hanger.

- B. The City is not required to make service available to the residential tenants unless each occupant agrees to the terms and conditions of service and meets the requirements of law and the City's rules and tariffs. However, if one or more of the residential tenants is willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the City, or if there is a physical means legally available to the City selectively terminating service to those tenants who have not met the requirements of the City's rules and tariffs, the City shall make service available to those tenants who have met those requirements.
 - (i). If prior service for a period of time is a condition for establishing credit with the City, residence and proof of prompt payment of rent or other credit obligation acceptable to the City for that period of time is a satisfactory equivalent.
 - (ii). Any residential tenant who becomes a customer of the City whose lease or rent payments, include charges for residential water service, where those charges are not separately stated, may deduct from the lease or rent payment each payment of all reasonable charges paid to the City for those services.
- C. In the case of detached single-family dwelling where the owner is the water customer, the City may do any of the following as to the tenants:
 - (i). Give notice of termination at least seven (7) calendar days prior to termination for failure to pay for water service.
 - (ii). In order to avoid payment of the delinquent amount by the tenant, the Administrative Services Department shall require a tenant who becomes a customer to verify that the delinquent account customer of record is or was the property owner, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreement, rent receipts, or a government document indicating that the occupant is renting the property. If tenant satisfies this requirement, the occupant will avoid responsibility to pay the amount due on the delinquent account.

7. Re-establishment of Residential Water Service:

- A. In order to restore or continue water service that has been disconnected for non-payment, the customer must pay a reconnection fee plus all delinquent charges or have an approved payment arrangement on file. The City shall reconnect service as soon as practicable.
- B. Water service that is turned on by any person other than the City personnel will be subject to fines or additional charges or fees. Any damages that occur as a result of unauthorized restoration of service are the responsibility of the customer.
- C. Low Income Customers: Where the customer demonstrates to the Administrative Services Director that household income is below 200 percent of the federal poverty line, the City shall do the following:
 - (i). Set a reconnection of service fee for turn on between the business hours

of the Public Services Department at \$50 dollars and during non-operational hours at \$125 dollars. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index (Riverside, all Urban Consumers) beginning January 1, 2021.

- (ii). Waive interest charges on delinquent bills once every twelve (12) months.
 - (iii). Low Income Household Customers: additional provisions. The residential customer shall be deemed to have a household income below 200 percent of the federal poverty line if any member of household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income State/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.
8. Reporting: The City shall report the number of annual discontinuations of residential service for non-payment on the City's Internet Website and to the State Water Resources Control Board.

RESOLUTION NO. 2020-08

RESOLUTION OF THE CITY OF IMPERIAL ADOPTING THE RESIDENTIAL WATER DISCONNECTION POLICY AND PRESERVING RESOLUTION NO. 2016-21 AS IT RELATES TO NON-RESIDENTIAL ACCOUNTS FOR WATER AND ALL ACCOUNTS FOR SEWER, SOLID WASTE AND STATE AB939.

WHEREAS, the City Council of the City of Imperial, California, (hereinafter referred to as "City Council") recognizes that effective as of April 1, 2020, the Senate Bill No. 998 (codified as Water Code Section 116900) requires the City of Imperial to establish a written policy on discontinuation of residential water service for non-payment if customer has been delinquent in any amount fewer than sixty (60) consecutive days and for certain low income households (the "Residential Water Disconnect Policy"), and

WHEREAS, the City Council finds that the attached Residential Water Disconnection Policy should be adopted.

NOT, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

1. That the foregoing is true, correct and adopted.
2. That the Residential Water Disconnect Policy, a copy of which is attached and a copy of which will be on file in the office of the City Clerk, is hereby adopted.
3. As required by Water Code Section 116900, the Policy will be posted on the City's website.
4. Preserving Resolution No. 2016-21 as it relates to non-residential accounts for water and all accounts for sewer, solid waste, and State AB 939.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Imperial, California held on the 18th day of March, 2020.

By: _____
Darrell Pechtl, Mayor

ATTEST:

BY: _____
Debra Jackson, City Clerk

Senate Bill No. 998

CHAPTER 891

An act to add Chapter 6 (commencing with Section 116900) to Part 12 of Division 104 of the Health and Safety Code, relating to water.

[Approved by Governor September 28, 2018. Filed with Secretary of State September 28, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 998, Dodd. Discontinuation of residential water service: urban and community water systems.

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including water corporations. Existing law requires certain notice to be given before a water corporation, public utility district, municipal utility district, or a municipally owned or operated public utility furnishing water may terminate residential service for nonpayment of a delinquent account, as prescribed.

This bill would require an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, to have a written policy on discontinuation of water service to certain types of residences for nonpayment available in prescribed languages. The bill would require the policy to include certain components, be available on the system's Internet Web site, and be provided to customers in writing, upon request. The bill would provide for enforcement of these provisions, including making a violation of these provisions punishable by a civil penalty issued by the board in an amount not to exceed \$1,000 for each day in which the violation occurs, and would require the enforcement moneys collected by the board to be deposited in the Safe Drinking Water Account. The bill would prohibit an urban and community water system from discontinuing residential service for nonpayment until a payment by a customer has been delinquent for at least 60 days. The bill would require an urban and community water system to contact the customer named on the account and provide the customer with the urban and community water system's policy on discontinuation of residential service for nonpayment no less than 7 business days before discontinuation of residential service, as prescribed.

This bill would prohibit residential service from being discontinued under specified circumstances. The bill would require an urban and community

water system that discontinues residential service to provide the customer with information on how to restore service. The bill would require an urban and community water system to waive interest charges on delinquent bills for, and would limit the amount of a reconnection of service fee imposed on, a residential customer who demonstrates, as prescribed, to the urban and community water system household income below 200% of the federal poverty line. The bill would require an urban and community water system that furnishes individually metered residential service to residential occupants of a detached single-family dwelling, a multiunit structure, mobilehome park, or permanent residential structure in a labor camp, and that the owner, manager, or operator of the dwelling, structure, or park is the customer of record, to make every good faith effort to inform the residential occupants by written notice that service will be terminated and that the residential occupants have the right to become customers, as specified. The bill would require an urban and community water system to report the number of annual discontinuations of residential service for inability to pay on its Internet Web site and to the board, and the bill would require the board to post on its Internet Web site the information reported. The bill would require an urban water supplier, as defined, or an urban and community water system regulated by the commission, to comply with the bill's provisions on and after February 1, 2020, and any other urban and community water system to comply with the bill's provisions on and after April 1, 2020. The bill would provide that the provisions of the bill are in addition to the provisions in existing law duplicative of the bill and that where the provisions are inconsistent, the provisions described in the bill apply.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares as follows:

- (a) All Californians have the right to safe, accessible, and affordable water as declared by Section 106.3 of the Water Code.
- (b) It is the intent of the Legislature to minimize the number of Californians who lose access to water service due to inability to pay.
- (c) Water service discontinuations threaten human health and well-being, and have disproportionate impact on infants, children, the elderly, low-income families, communities of color, people for whom English is a second language, physically disabled persons, and persons with life-threatening medical conditions.
- (d) When there is a delinquent bill, all Californians, regardless of whether they pay a water bill directly, should be treated fairly, and fair treatment includes the ability to contest a bill, seek alternative payment schedules, and demonstrate medical need and severe economic hardship.
- (e) The loss of water service causes tremendous hardship and undue stress, including increased health risks to vulnerable populations.
- (f) It is the intent of the Legislature that this act provide additional procedural protections and expand upon the procedural safeguards contained

in the Public Utilities Code and Government Code as of January 1, 2018, relating to utility service disconnections.

SEC. 2. Chapter 6 (commencing with Section 116900) is added to Part 12 of Division 104 of the Health and Safety Code, to read:

CHAPTER 6. DISCONTINUATION OF RESIDENTIAL WATER SERVICE

116900. This chapter shall be known, and may be cited, as the Water Shutoff Protection Act.

116902. For the purposes of this chapter, the following definitions apply:

(a) "Board" means the State Water Resources Control Board.

(b) "Public water system" has the same meaning as defined in Section 116275.

(c) "Residential service" means water service to a residential connection that includes single-family residences, multifamily residences, mobilehomes, including, but not limited to, mobilehomes in mobilehome parks, or farmworker housing.

(d) "Urban and community water system" means a public water system that supplies water to more than 200 service connections.

(e) "Urban water supplier" has the same meaning as defined in Section 10617 of the Water Code.

116904. (a) An urban water supplier not regulated by the Public Utilities Commission shall comply with this chapter on and after February 1, 2020.

(b) An urban and community water system regulated by the Public Utilities Commission shall comply with this chapter on and after February 1, 2020. The urban and community water system regulated by the Public Utilities Commission shall file advice letters with the commission to conform with this chapter.

(c) An urban and community water system not described in subdivision (a) or (b) shall comply with this chapter on and after April 1, 2020.

116906. (a) An urban and community water system shall have a written policy on discontinuation of residential service for nonpayment available in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by at least 10 percent of the people residing in its service area. The policy shall include all of the following:

(1) A plan for deferred or reduced payments.

(2) Alternative payment schedules.

(3) A formal mechanism for a customer to contest or appeal a bill.

(4) A telephone number for a customer to contact to discuss options for averting discontinuation of residential service for nonpayment.

(b) The policy shall be available on the urban and community water system's Internet Web site, if an Internet Web site exists. If an Internet Web site does not exist, the urban and community water system shall provide the policy to customers in writing, upon request.

(c) (1) The board may enforce the requirements of this section pursuant to Sections 116577, 116650, and 116655. The provisions of Section 116585

and Article 10 (commencing with Section 116700) of Chapter 4 apply to enforcement undertaken for a violation of this section.

(2) All moneys collected pursuant to this subdivision shall be deposited in the Safe Drinking Water Account established pursuant to Section 116590.

116908. (a) (1) (A) An urban and community water system shall not discontinue residential service for nonpayment until a payment by a customer has been delinquent for at least 60 days. No less than seven business days before discontinuation of residential service for nonpayment, an urban and community water system shall contact the customer named on the account by telephone or written notice.

(B) When the urban and community water system contacts the customer named on the account by telephone pursuant to subparagraph (A), it shall offer to provide in writing to the customer the urban and community water system's policy on discontinuation of residential service for nonpayment. An urban and community water system shall offer to discuss options to avert discontinuation of residential service for nonpayment, including, but not limited to, alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance, and petition for bill review and appeal.

(C) When the urban and community water system contacts the customer named on the account by written notice pursuant to subparagraph (A), the written notice of payment delinquency and impending discontinuation shall be mailed to the customer of the residence to which the residential service is provided. If the customer's address is not the address of the property to which residential service is provided, the notice also shall be sent to the address of the property to which residential service is provided, addressed to "Occupant." The notice shall include, but is not limited to, all of the following information in a clear and legible format:

- (i) The customer's name and address.
- (ii) The amount of the delinquency.
- (iii) The date by which payment or arrangement for payment is required in order to avoid discontinuation of residential service.
- (iv) A description of the process to apply for an extension of time to pay the delinquent charges.
- (v) A description of the procedure to petition for bill review and appeal.
- (vi) A description of the procedure by which the customer may request a deferred, reduced, or alternative payment schedule, including an amortization of the delinquent residential service charges, consistent with the written policies provided pursuant to subdivision (a) of Section 116906.

(2) If the urban and community water system is unable to make contact with the customer or an adult occupying the residence by telephone, and written notice is returned through the mail as undeliverable, the urban and community water system shall make a good faith effort to visit the residence and leave, or make other arrangements for placement in a conspicuous place of, a notice of imminent discontinuation of residential service for nonpayment and the urban and community water system's policy for discontinuation of residential service for nonpayment.

(b) If an adult at the residence appeals the water bill to the urban and community water system or any other administrative or legal body to which such an appeal may be lawfully taken, the urban and community water system shall not discontinue residential service while the appeal is pending.

116910. (a) An urban and community water system shall not discontinue residential service for nonpayment if all of the following conditions are met:

(1) The customer, or a tenant of the customer, submits to the urban and community water system the certification of a primary care provider, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (b) of Section 14088 of the Welfare and Institutions Code, that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided.

(2) The customer demonstrates that he or she is financially unable to pay for residential service within the urban and community water system's normal billing cycle. The customer shall be deemed financially unable to pay for residential service within the urban and community water system's normal billing cycle if any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

(3) The customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment, consistent with the written policies provided pursuant to subdivision (a) of Section 116906, with respect to all delinquent charges.

(b) (1) If the conditions listed in subdivision (a) are met, the urban and community water system shall offer the customer one or more of the following options:

(A) Amortization of the unpaid balance.

(B) Participation in an alternative payment schedule.

(C) A partial or full reduction of the unpaid balance financed without additional charges to other ratepayers.

(D) Temporary deferral of payment.

(2) The urban and community water system may choose which of the payment options described in paragraph (1) the customer undertakes and may set the parameters of that payment option. Ordinarily, the repayment option offered should result in repayment of any remaining outstanding balance within 12 months. An urban and community water system may grant a longer repayment period if it finds the longer period is necessary to avoid undue hardship to the customer based on the circumstances of the individual case.

(3) Residential service may be discontinued no sooner than 5 business days after the urban and community water system posts a final notice of intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances:

(A) The customer fails to comply with an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges for 60 days or more.

(B) While undertaking an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges, the customer does not pay his or her current residential service charges for 60 days or more.

116912. An urban and community water system that discontinues residential service for nonpayment shall provide the customer with information on how to restore residential service.

116914. (a) For a residential customer who demonstrates to an urban and community water system household income below 200 percent of the federal poverty line, the urban and community water system shall do both of the following:

(1) Set a reconnection of service fee for reconnection during normal operating hours at fifty dollars (\$50), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021. For the reconnection of residential service during nonoperational hours, an urban and community water system shall set a reconnection of service fee at one hundred fifty dollars (\$150), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

(2) Waive interest charges on delinquent bills once every 12 months.

(b) An urban and community water system shall deem a residential customer to have a household income below 200 percent of the federal poverty line if any member of the household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

116916. (a) This section applies if there is a landlord-tenant relationship between the residential occupants and the owner, manager, or operator of the dwelling.

(b) If an urban and community water system furnishes individually metered residential service to residential occupants of a detached single-family dwelling, a multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp as defined in Section 17008, and the owner, manager, or operator of the dwelling, structure, or park is the customer of record, the urban and community water system shall make every good faith effort to inform the residential occupants, by means of written notice, when the account is in arrears that service will be terminated at least 10 days prior to the termination. The written notice shall further inform the residential occupants that they have the right to become

customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account.

(c) The urban and community water system is not required to make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of service and meets the requirements of law and the urban and community water system's rules and tariffs. However, if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the urban and community water system, or if there is a physical means legally available to the urban and community water system of selectively terminating service to those residential occupants who have not met the requirements of the urban and community water system's rules and tariffs, the urban and community water system shall make service available to those residential occupants who have met those requirements.

(d) If prior service for a period of time is a condition for establishing credit with the urban and community water system, residence and proof of prompt payment of rent or other credit obligation acceptable to the urban and community water system for that period of time is a satisfactory equivalent.

(e) Any residential occupant who becomes a customer of the urban and community water system pursuant to this section whose periodic payments, such as rental payments, include charges for residential water service, where those charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the urban and community water system for those services during the preceding payment period.

(f) In the case of a detached single-family dwelling, the urban and community water system may do any of the following:

(1) Give notice of termination at least seven days prior to the proposed termination.

(2) In order for the amount due on the delinquent account to be waived, require an occupant who becomes a customer to verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Section 1962 of the Civil Code.

116918. An urban and community water system shall report the number of annual discontinuations of residential service for inability to pay on the urban and community water system's Internet Web site, if an Internet Web site exists, and to the board. The board shall post on its Internet Web site the information reported.

116920. (a) The Attorney General, at the request of the board or upon his or her own motion, may bring an action in state court to restrain by temporary or permanent injunction the use of any method, act, or practice declared in this chapter to be unlawful.

(b) For an urban and community water system regulated by the Public Utilities Commission, the commission may bring an action in state court to restrain by temporary or permanent injunction the use by an urban and community water system regulated by the commission of any method, act, or practice declared in this chapter to be unlawful.

116922. All written notices required under this chapter shall be provided in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by 10 percent or more of the customers in the urban and community water system's service area.

116924. Where provisions of existing law are duplicative of this chapter, compliance with one shall be deemed compliance with the other. Where those provisions are inconsistent, the provisions of this chapter shall apply. Nothing in this chapter shall be construed to limit or restrict the procedural safeguards against the disconnection of residential water service existing as of December 31, 2018.

116926. This chapter does not apply to the termination of a service connection by an urban and community water system due to an unauthorized action of a customer.

RESOLUTION NO. 2016-21

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL RELATING TO BILLING FOR WATER, SEWER, SOLID WASTE AND STATE AB 939

WHEREAS, section 23-5, of the Imperial City Code authorizes the City Council to adopt a resolution relating to matters such as due dates, delinquency charges and discontinuance of service for non-payment; and,

WHEREAS, it is the intent of this resolution to supersede prior Resolution No. 2014-48 on these subjects to the extent inconsistent with the terms set forth herein.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. *Billing Date:* All charges for City services (water, sewer, solid waste, State AB939) will be billed on or near the 5th working day of each month for the previous month's services and are due on the 15th day of each month. The customer is responsible for the bill even if the customer does not receive the bill.
2. *Penalty:* The bill becomes delinquent if not paid by the 1st day of the calendar month following the due date specified on the bill. A 10% penalty is assessed on the current amount owed.
3. *Discontinuance of Service:* If payment of all delinquent charges have not been RECEIVED in City Hall during normal working hours prior to the date set forth in the monthly billing and described on a calendar approved annually, the water service will be discontinued.
4. *Delinquency Fee:* A delinquency fee of \$50.00 will be applied to all accounts not paid by 5:00 p.m. of the day prior to the scheduled turn off day.
5. *After Hours Turn On Fee:* A fee of \$125.00 applies to any account requesting services after 5:00 p.m. on scheduled turn off day, and after 2:00 p.m. any other day of the working week.
6. *All New Accounts:* All applications for Water Services require a Social Security Administration Number, Federal Identification Number, Valid Driver's License, or Department of Motor Vehicle Identification Card. Owner's must provide proof of ownership. Realtor's must provide proof of listing. Tenant's must provide a rental agreement including the signed authorization from the property owner on the Application for Service.
7. *Owner / Property Manger / Realtor / Tenant Account:* An owner may authorize an account to be established in the name of the property manager / realtor / tenant. The owner shall guarantee's payment of all bills. All previous charges on account must be paid in full before water is turned on in the new property manager / realtor / tenants name.

8. Account Deposit: A deposit of \$200.00 is required. Account balance must be paid in full prior to closing of account. Deposit will be applied to the closing bill with the remaining balance, if any, refunded.
9. Utility Billing Landlord Services Continuation Agreement: Where an owner authorizes an account to be in the name of another party, the owner shall sign an application for water service as required by this resolution. At the time such account is established, or thereafter upon approval by City, the owner may sign a continuation agreement. Such agreement will provide for continuation of service upon termination of same by the authorized third party. Among other things, the agreement will provide that the services will continue in the name of the owner for a period of not to exceed thirty (30) days, unless extended with the express written consent of the City. In this circumstance owner will not be required to post the deposit normally required of new accounts.
10. Returned Checks: A fee of \$25.00 will be charged for the 1st returned check and \$35.00 for additional checks from the bank for any reason for which the bank refused payment. The check is to be replaced in cash or by money order within 5 days of receiving notice. If the City receives 3 returned checks within a 1 year period, the City will no longer accept personal/business checks for any City service from that same party for the next twelve month period.
11. Closed Account: An account without payment activity for two consecutive months is subjected to termination without further notice. Account holder / authorized signer is responsible for any and all charges accrued.
12. Collections: Any balance remaining on a closed account after 30 days at the discretion of the City will be forwarded to a collection agency or may be submitted to the County for a lien on the property without further notice.
13. Acceptance of loose coins and rolled coins for payment of Utility Bill: The City will not accept more than \$5.00 in unrolled coins as payment, if over \$5.00, coins must be rolled in coin sleeves. Any payment made in coin to the City of Imperial will also need to have the customer's name and account number on each roll before the rolls can be accepted.

PASSED AND ADOPTED at a Regular Meeting of the City Council held on the 15th day of June 2016.



Douglas A Cox, Mayor

ATTEST:



Debra Jackson, City Clerk

**STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)ss
CITY OF IMPERIAL)**

I, the undersigned, City Clerk of the City of Imperial, DO HEREBY CERTIFY that the foregoing Resolution No. 2016-21 was duly and regularly adopted at a Regular meeting of the City Council of the City of Imperial held on the 15th day of June 2016, by the following vote:

AYES: GRAN, TUCKER, AND COX

NAYES: DALE AND SAMPSON

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 3-2



DEBRA JACKSON, CITY CLERK
CITY OF IMPERIAL, CALIFORNIA