



**RESOLUTION NO. 1442-2020
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL ADOPTING A
POLICY GOVERNING THE DISCONTINUATION OF
RESIDENTIAL WATER SERVICE FOR NONPAYMENT**

WHEREAS, Senate Bill (SB) 998 was signed by the Governor on September 28, 2018; and

WHEREAS SB 998 applies to urban and community water systems, defined as public water systems that supply water to more than 200 service connections; and

WHEREAS, SB 998 requires urban and community water systems to have a written policy on discontinuation of residential water service for nonpayment.

NOW THEREFORE BE IT RESOLVED that the City of Rio Dell City Council does hereby adopt the following Policy:

Policy Governing the Discontinuation of Residential Water Service for Nonpayment

In accordance with California law, this policy is also available Spanish, Chinese, Tagalog, Vietnamese, and Korean. Please contact the City to obtain a copy in a desired language.

I. Scope and Purpose.

Under existing law, the City reserves the right to discontinue (shut-off) water service to residential and commercial properties in the event of nonpayment for water service. The purpose of this Policy is to (i) provide regulations for the manner in which residential water service may be disconnected in the event of nonpayment; (ii) to provide adequate safeguards to ensure residential customers and occupants are provided adequate notice and a fair opportunity to contest the water bill before water service is disconnected; and (iii) to provide potential alternative payment arrangements for residential customers who qualify.

This Policy does not apply or otherwise affect the City's ability to discontinue water service to nonresidential customers or to discontinue water service to residential customers for reasons other than nonpayment of rates and charges.

The City reserves the right to amend this Policy by resolution at a properly noticed meeting. Other than as may be required by the Ralph M. Brown Act, no further notice, including but not limited to individual written notice to customers, is required to amend this Policy.

This Policy is intended to be consistent with California law governing the disconnection of residential water service. To the extent there is any inconsistency between this Policy and California law, California law will control.

II. Discontinuation of Water Service to Residential Units.

The District reserves the right to discontinue water service to residential units, including, but not limited to, single-family dwellings, multi-unit residential structures, and mobile home parks, in the event a utility bill remains unpaid for a period of sixty (60) calendar days after it becomes delinquent. A utility bill becomes delinquent if it is not paid, in full, within twenty-six (26) days of the date printed on the water bill.

Before water service is actually discontinued, the City will attempt to contact customers and occupants by phone at least seven (7) calendar days before the date water service is discontinued or by mail at least ten (10) calendar days before the date water service is discontinued to provide notice of the intended date water service will be discontinued, among other important information. If the mailing is returned as undeliverable, the City will make a good faith effort to post the notice in a conspicuous place on the property where service is provided. It is the customer's obligation to ensure the City has a current mailing address on file.

The written notice will provide customers and, if applicable, occupants with the following information (among other information):

- The amount of the delinquency;
- The date by which payment or other arrangement for payment is required to avoid discontinuation of service;
- The date service will be discontinued if payment or other arrangement for payment is not in place;
- A description of the process to apply for an extension of time to pay the delinquent charges;
- A description of the procedure to petition for bill review and appeal;
- A description of the procedure by which the customer may request deferment in the delinquent payment or an alternative payment schedule;
- Information on how to restore water service after discontinuation; and
- For certain tenant occupied units in which the landlord is the customer, the tenants' have the option to avoid service disconnection by becoming a direct customer of the City.

III. Right to Appeal the Delinquent Water Bill.

If the account owner wishes to appeal all or part of the account balance, a written request for such must be presented to the City's Main Office and will be forwarded to the City Manager or designee. While an account appeal is pending, no additional Past-Due/Late Charges will be applied to the account balance. The City will also not discontinue (shut-off) water service for non-payment while the appeal is pending. (SB 998, 116908, §2b)

- a) The written request for appeal may be dropped off in person or mailed to the main office (675 Wildwood Avenue, Rio Dell, CA 95562).

- b) The written request must include the account owner's contact information, the amount requested for appeal, and the explanation/justification for the request.
- c) This request must be received within 60 days of the issuance of the bill the customer wishes to appeal and prior to the scheduled date of service discontinuance (shut-off).
- d) For purposes of the appeal, disputed water charges are presumed valid. The burden rests with the account owner to demonstrate an inaccuracy by a preponderance of the evidence.

IV. Alternative Payment Arrangements for Qualifying Customers.

Under certain qualifying conditions, customers who are facing a residential water service disconnection may be eligible to participate in alternative payment arrangements. Any and all alternative payment arrangements must be requested by the customer prior to the scheduled date of service disconnection.

The City Manager or designee will consider all circumstances surrounding the request and make a determination as to whether the payment arrangement is warranted.

Customers who are able to demonstrate **each** of the following are eligible to participate in an alternative payment arrangement:

First requirement: the customer, or a tenant of the customer, must submit to the City a certification of a primary care provider 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 service is provided. For purposes of this requirement, a "primary care provider" means either of the following: (i) any internist, general practitioner, obstetrician-gynecologist, pediatrician, family practice physician, nonphysician medical practitioner, or any primary care clinic, rural health clinic, community clinic or hospital outpatient clinic currently enrolled in the Medi-Cal program, which agrees to provide case management to Medi-Cal beneficiaries.

Second requirement: the customer demonstrates to the satisfaction of the City a financial inability to pay for water service within the normal billing cycle. A customer is deemed financially unable to pay 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 Woman, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

Third requirement: the customer agrees in writing on a form provided by the City to comply with the alternative payment arrangement proposed by the City.

If a customer believes he or she qualifies to participate in an alternative payment plan, the customer must contact the City as soon as possible at the phone number below, but in no event after the time to appeal the water bill has expired, to inform the City that the customer intends to submit information to establish eligibility to participate in an alternative payment arrangement. After such notice is provided, the customer must submit documentation demonstrating he or she meets the first two requirements described above no later than the date set for the intended service disconnection.

It is the customer's obligation to ensure the timely submission of complete and satisfactory documentation demonstrating eligibility. If the information is not submitted in a timely manner or if the information is incomplete, the City will provide notice of a new intended disconnection date no earlier than five (5) calendar days after mailing. In such a circumstance, the only way to avoid the disconnection of service is the payment, in full, of all delinquent charges.

At its election, City may offer the following alternative payment plans for the delinquent amount. *Customers who are approved for an alternative payment plan for a delinquent amount must still keep current with ongoing water service billing or water service will be disconnected.*

Temporary deferral of payment. For delinquencies less than \$500, the City may offer customers the opportunity to temporarily defer payment of the delinquent amount to a certain date in the future. The deferment applies only to the delinquent amount and customers must still pay, when due, all current charges for water service.

Amortization of unpaid amount. The City may offer customers the opportunity to amortize the delinquent amount over a period not to exceed six (6) months at the City's election. Amortization plans must be in writing and signed by the account owner.

Only one active alternative payment agreement may exist on an account at any given time. An account owner will not be eligible to participate in any alternative payment agreement if he or she has failed to comply with the terms of a prior alternative payment arrangement within the previous twelve (12) month period.

V. Contacting the City/District and Additional Information.

City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA 95532

Phone (707) 764-3532

For more information, please visit the City's website at <http://cityofriodell.ca.gov/>.

VI. Returned Payments

When a payment of any kind is not honored by a customer's bank (returned payment), the water account shall be considered unpaid and subject to possible disconnection. The City will make a reasonable, good faith effort to notify the customer by phone or mail of the returned payment.

- a) If the account is delinquent, water service will be discontinued (shut-off) if the amount of the returned payment and the returned payment charge (if applicable) are not paid on or before the date specified in the Service Discontinuation Notice(s). Only payment in the form of cash, credit card or cashier's check will be accepted to pay for the returned payment and returned payment fee (if applicable).
- b) If it is determined that a payment was made on the disconnection deadline date in order to avoid service interruption and/or a reconnection fee, and that payment is subsequently returned by the bank, a *Final Notice of Discontinuance of Service* will be issued, advising the customer that payment for the returned payment, including the returned check charge, and penalties (if applicable), must be made by the date specified on the Final Notice to avoid water service discontinuation. Payment must be made by cash, credit card or cashier's check only.
- c) In the event a customer's check is returned by the bank unpaid three (3) times within a twelve (12) month timeframe, the customer will be notified that only cash, credit card or cashier's check will be accepted as payment for a period of twelve (12) months from the most recent returned payment.
- d) Previously discontinued water service payments must be made by cash, credit card or cashier's check only.

PASSED AND ADOPTED by the City Council of the Rio Dell on this 3rd day of March, 2020 by the following vote:

Ayes: Garnes, Strahan, Wilson and Woodall
Noes: None
Abstain: None
Absent: Johnson


Debra Garnes, Mayor

ATTEST:


Karen Dunham, City Clerk