

ORDINANCE NO. 102

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE TWENTYNINE PALMS WATER DISTRICT AMENDING CHAPTER 5.05 OF THE DISTRICT'S CODE REGARDING RETAIL WATER SERVICE

WHEREAS, in 2018, the California Legislature enacted Senate Bill 998 ("SB 998") which adopted new and expanded protections regarding discontinuation of domestic water service for nonpayment and related matters; and

WHEREAS, Chapter 5.05, Retail Water Service Rules and Regulations, of the Twentynine Palms Water District Code establishes rules and regulations for retail water service by the District; and

WHEREAS, the Board of Directors desires to amend Chapter 5.05 to ensure consistency with the requirements of SB 998, and for related purposes and to adopt a Policy on Discontinuation of Domestic Water Service as set forth in Exhibit A; and

WHEREAS, in accordance with Water Code Section 31027, at least 5 days before the public meeting where this Ordinance was considered, a summary of this Ordinance was published in the Desert Trail, a newspaper of general circulation, and a certified copy of the full text of this Ordinance was posted in the District offices located at 72401 Hatch Road, Twentynine Palms, California.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Directors of the Twentynine Palms Water District as follows:

1. **Section 5.05.355, Bills — Payment — Payment Arrangements** shall be deleted in its entirety and replaced with the following:

5.05.355 - Payment — Payment Arrangements

1) If a domestic water service customer is unable to pay a bill during the normal payment period, the customer may request a payment arrangement, which may include an extension of the payment date for up to six months, amortization of the unpaid balance for a period not to exceed 12 months, or an alternative payment schedule allowing periodic payments that do not coincide with the district's established payment schedule. If a customer submits his or her request within 13 days after mailing of a written notice of discontinuation of service by the district, the request will be reviewed by a district manager. Terms and conditions for a payment arrangement shall be set by the general manager or his or her designee. District decisions regarding payment arrangements are final and are not subject to appeal to the board.

2) If a customer has been granted a payment arrangement under this section and fails to pay an amount due under the arrangement by the due date, then the district may terminate water service. The district will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the district.

2. **Section 5.05.355, Bills — Complaints amid appeals** shall be deleted in its entirety and replaced with the following:

“5.05.360 - Bills — Complaints amid appeals

(1) All bills are due and payable on presentation and are presumed to be received within five days of mailing. Failure to receive a bill does not relieve the customer of liability. Payment may be made at the district's office or returned through the U.S. mail.

(2) Bills of the district shall describe the procedure by which a customer may initiate a complaint or request an investigation concerning service or charges. The description shall read substantially as follows:

If you have a complaint that you are being overcharged or if you have any other complaint in connection with District billings YOU MUST PRESENT YOUR COMPLAINT to the District Manager, by mail or in person, at 72401 Hatch Road, Twentynine Palms, California 92277 or by telephone at (760) 367-7546 PRIOR TO THE DATE OF DELINQUENCY specified on the bill. The Manager is designated by the district to hear any complaint and is empowered to investigate and to rectify any District errors in connection with billing matters.

(3) The manager shall consider and resolve all complaints made in accordance with this section. Any customer whose timely complaint or request for an investigation has resulted in an adverse determination by the manager may appeal the determination to the board by filing a written notice of appeal with the board secretary within 10 business days of the manager's determination. Upon receiving the appeal, the board secretary will set the matter to be heard at an upcoming board meeting and mail the customer written notice of the time and place of the hearing at least 10 days before the meeting. The decision of the board shall be final.

(4) Any customer who has timely initiated a complaint shall be given consideration by the manager as to a payment arrangement approved in accordance with this chapter.”

3. **Section 5.05.370, Bills — Delinquent – Termination procedures** shall be deleted in its entirety and replaced with the following:

“5.05.370 - Bills — Delinquent – Termination procedures

(1) Customer bills not paid within 19 days after mailing are delinquent. If customer bills become delinquent the district will commence procedures to discontinue service until all district charges are paid in full. District charges which are not paid on or before the day of delinquency shall also include an administrative penalty of 10 percent. If a bill is delinquent for at least 60 days, the district may terminate water service to the premises.

(2) At least 15 days prior to terminating water service for failure to pay delinquent charges, the district shall mail to the customer a notice of the delinquency and impending termination. This notice shall include: (a) the name and address of the customer whose account is delinquent; (b) the amount of the delinquency; (c) the date by which payment or arrangements for payment is required in order to avoid termination; (d) the procedure by which a customer may request a payment arrangement, which may include an extension, amortization or alternative payment schedule; (e) the procedure by which the customer may initiate a complaint or request an investigation or appeal concerning service or charges; (f) the procedure for the customer to obtain information on the availability of financial assistance including private, local, state or federal sources, if applicable; and (g) the telephone number of a representative of the district who can provide information or institute arrangements for payment. The proposed date of termination on this notice shall be at least 15 days after the day of mailing of the notice.

4. **Balance of the Rules and Regulations.** Except as specifically set forth in this Ordinance, the balance of the District's Rules and Regulations as established by Chapter 5.05 of the District Code, and any associated Ordinances, shall remain in full force and effect.

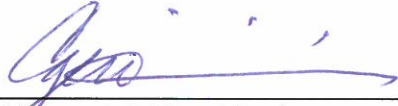
5. **Severability.** If any provision, paragraph, word, or section of this Ordinance is invalidated, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue un full force and effect. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

6. **Conflict.** All other ordinances, resolutions, or administrative actions, and parts thereof, inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

7. **Effectiveness.** The President of the Board of Directors shall sign this Ordinance and the Secretary of the Board of Directors shall attest thereto, and this Ordinance shall be in full force and effect immediately upon adoption. Within 15 days after adoption of this Ordinance, a summary of the Ordinance shall be published with the names of those Directors voting for and against this Ordinance and a certified copy of the full text of this Ordinance shall be posted in the District offices.

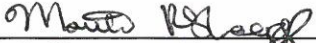
PASSED, APPROVED, AND ADOPTED this 27th day of July 2022 by the following vote:

Ayes:	Directors Arthur, Coghill, Horn, Leazer , and Giannini
Noes:	None
Abstain:	None
Absent:	<i>Director Leazer</i>



Carol Giannini, President
Board of Directors

ATTEST:



Matt Shragge, Board Secretary
Twentynine Palms Water District



POLICY ON DISCONTINUATION OF DOMESTIC WATER SERVICE

*Adopted by Ordinance 102 of the Twentynine Palms Water District
Board of Directors on July 27, 2022.*

1. **Background and Purpose.** This Policy on Discontinuation of Domestic Water Service (this “Policy”) is intended to provide District customers with certain information required by law. (Cal. Health & Safety Code § 116906.) This Policy shall be posted on the District’s website and provided to customers in the manner required by law and Chapter 5.05, Retail Water Service Rules and Regulations of the District Code. A full description of District procedures relating to water service billing, payment, and discontinuation of service is provided in Chapter 5.05. To the extent of any conflict between this Policy and the District Code, the District Code shall control.
2. **Billing Complaints and Appeals.** Customers may initiate a complaint or request an investigation concerning water service or charges as follows:

If you have a complaint that you are being overcharged or if you have any other complaint in connection with District billings YOU MUST PRESENT YOUR COMPLAINT to the District Manager, by mail or in person, at 72401 Hatch Road, Twentynine Palms, California 92277 or by telephone at (760) 367-7546 PRIOR TO THE DATE OF DELINQUENCY specified on the bill. The Manager is designated by the District to hear any complaint and is empowered to investigate and to rectify any District errors in connection with billing matters.

The manager shall consider and resolve all complaints made in accordance with this section. Any customer who has timely initiated a complaint shall be given consideration by the manager as to a payment arrangement as described in this Policy.

Any customer whose timely complaint or request for an investigation has resulted in an adverse determination by the manager may appeal the determination to the Board of Directors by filing a written notice of appeal with the Board Secretary within 10 business days of the manager’s determination. Upon receiving the appeal, the Board Secretary will set the matter to be heard at an upcoming Board meeting and mail the customer written notice of the time and place of the meeting at least 10 days before the meeting. The decision of the Board shall be final.

3. **Payment Arrangements Generally.** If a customer is unable to pay a bill during the normal payment period, the customer may request a payment arrangement, which may include an extension of the payment date for up to six months, amortization of the unpaid balance for a period not to exceed 12 months, or an alternative payment schedule allowing periodic payments that do not coincide with the District’s established payment schedule. If a customer submits his or her request within 13 days after mailing of a written notice of discontinuation of service by the District, the request will be reviewed by a District manager. Terms and conditions for a payment arrangement shall be set by the General Manager or his or her designee. District decisions regarding payment arrangements are final and are not subject to appeal to the board.

If a customer has been granted a payment arrangement under this section and fails to pay an amount due under the arrangement by the due date, then the District may terminate water

service. The District will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the District.

4. Payment Arrangements for Customers Experiencing Both Medical and Financial Hardships. The District will not terminate domestic service for nonpayment if all of the following requirements are met: (a) a licensed primary care provider certifies that doing so will be life threatening or pose a serious threat to the health and safety of the customer or another resident of the premises; (b) the customer is financially unable to pay for service within the normal payment period; and (c) the customer is willing to enter into a payment arrangement with the District with respect to all delinquent charges.

A customer is deemed financially unable to pay within the normal billing cycle if: (i) 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 (ii) the customer declares under penalty of perjury that the household's annual income is less than 200 percent of the federal poverty level.

The customer is responsible for demonstrating that the above requirements have been met. For customers who meet all of the above requirements, the District shall offer the customer an extension, amortization of the unpaid balance, or an alternative payment schedule, to be selected by the District in its discretion. Upon receipt of documentation from the customer, the District will review the documentation within seven days and: (i) notify the customer of the alternative payment arrangement selected by the District and request the customer's signed assent to participate in that alternative arrangement; (ii) request additional information from the customer; or (iii) notify the customer that he or she does not meet the above requirements.

The District may discontinue water service if a customer who has been granted a payment arrangement under this section fails to do either of the following for 60 days or more: (i) pay an amount due under the payment arrangement; or (ii) pay current charges for water service. The District will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the District.

5. Contact Information. For billing questions, or for assistance regarding options to avoid discontinuation of service for nonpayment, the District's Customer Service staff can be reached at 760-367-7546. Customers may also visit a District's Customer Service Representative in person Monday through Thursday, from 7:30 a.m. to 5:00 p.m.; Fridays, from 7:30 a.m. to 4:00 p.m.; closed on District observed holidays.