

**ORDINANCE 98**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE TWENTYNINE PALMS WATER DISTRICT AMENDING DISTRICT CODE CHAPTER 5.05, RETAIL WATER SERVICE RULES AND REGULATIONS, RELATING TO WATER SERVICE BILLING, PAYMENT, AND DISCONTINUATION FOR NONPAYMENT AND ADOPTION OF POLICY ON DISCONTINUATION OF DOMESTIC WATER SERVICE**

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

**NOW THEREFORE, THE BOARD OF DIRECTORS OF THE TWENTYNINE PALMS WATER DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1      Code Amendments Chapter 5.05 of the District Code is amended as described below.

(a) Section 5.05.355, Bills – Payment – Payment Arrangements, is here by added to read as follows:

**5.05.355 Bills – 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.

(b) Section 5.05.360, Bills – Payment – Complaints, is hereby retitled and amended to read as follows:

**5.05.360 Bills – Payment – Complaints and 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.

(c) Section 5.05.370, Bills – Delinquent – Termination procedures, is hereby amended to read as follows:

**5.05.370 Bills – Delinquent – Termination procedures.**

(1) Customer bills not paid within 26 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.

At least seven (7) business days prior to any actual termination of domestic service, the district shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer either by telephone or in person. The district will offer to provide a written copy of its discontinuation of domestic water service policy and to discuss options to avert discontinuation of water service for nonpayment, including the possibility of an extension or other payment arrangement. If the district is unable to make contact with the customer or an adult person living at the customer's address in person or by telephone, the district will make a good faith effort to leave a notice of imminent discontinuation of domestic service and a copy of its policy on discontinuation of domestic water service in a conspicuous place at the domestic service address. The notice and policy will be left at the premises at least 48 hours before discontinuation of service. The notice shall include: (a) the name and address of the customer; (b) the amount of the delinquency; (c) the date by which payment or payment arrangements must be made to avoid discontinuation of service; (d) the procedure for the customer to obtain information on financial assistance, if applicable; and (e) the telephone number where the customer may request a payment arrangement or receive additional information from the district.

In addition to the above notices, if the district furnishes domestic water through a master meter or furnishes individually metered domestic service to a single-family dwelling, multi-unit residential structure, mobile home park or farm labor camp where the owner, manager or farm labor employer is listed by the district as the customer of record of the service, or if the customer of record's mailing address is different from the domestic water service address, the district shall make every good faith effort to inform the actual users of the services when the account is in arrears, by means of a notice, that service will be terminated in 15 days. The notice shall be addressed to "Occupant" and further inform the actual users that they have the right to become customers of the district without being required to pay the amount due on the delinquent account.

The district is not required to make service available to actual users unless each actual user agrees to the terms and conditions of service and meets the requirements of the district's rules and regulations. However, if one or more actual users are willing and able to assume responsibility for the entire account to the satisfaction of the district or if there is a physical means legally available to the district of selectively terminating service to those actual users who have not met the requirements of the district's rules and regulations, the district shall make service available to the actual users who have met those requirements. To be eligible to become a customer without paying the amount due on the delinquent account, the occupant shall verify that the delinquent customer of record is or was the landlord, manager, or agent of the dwelling. Verification may include a lease or rental agreement, rent receipts, a government document indicating the occupant is renting the property, or other documentation at the discretion of the district. Where prior service for a period of time is a condition for establishing credit with the district, residence and proof of prompt payment of rent for that period of time is a satisfactory equivalent.

(3) No termination of service by reason of delinquency in payment shall occur on any Saturday, Sunday, legal holiday or at any time during which the business offices of the district are not open to the public.

(4) The district shall not terminate domestic service for nonpayment in any of the following situations:

(a) During the pendency of an investigation by the district's manager of a timely customer dispute or complaint.

(b) During the pendency of a timely appeal to the board of directors.

(c) When the customer has been granted an extension or other payment arrangement and remains in compliance with the terms and conditions of the payment arrangement.

(d) On the certification of a licensed primary care provider that to do so will be life threatening or pose a serious threat to the health and safety of the customer or another resident of the premises and the customer is financially unable to pay for service within the normal payment period and 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 an 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) A customer's water service at a subsequent location may be discontinued if a bill for water service furnished at a previous location is not paid by the delinquency date in accordance with the procedures set forth in this section.

(6) If a customer receives water service at more than one location and the bill for service at any one location is not paid by the delinquency date, water services at all locations may be turned off in accordance with the procedures set forth in this section. Domestic service, however, will not be turned off for nonpayment of bills for other classes of services.

(7) When a bill is delinquent, the full amount of delinquent and current bills and deposits, if any are demanded, must be paid in full before service is restored. An additional charge for restoring service, as further described in this chapter, shall be paid before the order to restore service is issued.

(8) When the district disconnects a service it may not be reconnected except by authorized personnel of the district. If service is reconnected illegally and the district determines that the meter shall be removed, an additional charge is hereby established and may be set from time to time by the board. Said fee shall be paid for the labor to remove and reinstall and must be paid before restoring service.

(9) All the rates provided by the board shall be charged against the property to which the water is furnished and both the owner and all occupants of said property may be jointly and severally responsible for the payment of all such water charges provided the property owner is notified of the delinquency.

(10) Property owners with an outstanding balance will not be able to transfer their water service to anyone, including tenant or agent, until such time that the outstanding balance and any applicable penalties are paid in full.

(11) The manager of the district or his/her designated agent is authorized to sign a complaint, file suit and prosecute to judgment and enforce collection of any charges or water rates owing to the district after such bill is delinquent for over 60 days. Said action may be filed against any or all of the following persons: the property owner, the occupant or occupants of the property or any person who agreed in writing to be responsible for said water charges.

(12) No change of ownership or occupancy shall affect the application of these rules and regulations with respect to collection of charges, water rates, deposits or water service.

(d) Chapter 5.05.460, Restoration/reconnection charges, is hereby amended to read as follows:

**5.05.460 Restoration/reconnection charges.**

A reconnection fee for water service is hereby established and shall be set from time to time by the board. For domestic customers who demonstrate a household income below 200 percent of the federal poverty level, the district will limit the reconnection fee to \$50 during normal operating hours and to \$150 during non-operational hours. The limits will only apply if the district's reconnection fees actually exceed these amounts. These limits are subject to an annual adjustment for changes in the Bureau of Labor Statistics' Consumer Price Index for All Urban Consumers (CPI-U) beginning January 1, 2021. The district will deem a domestic customer to have a household income below 200 percent of the federal poverty line if: (i) 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 (ii) the customer declares under penalty of perjury that the household's annual income is less than 200 percent of the federal poverty level.

Section 2 Adoption of Policy on Discontinuation of Domestic Water Service The Board hereby adopts the attached Policy on Discontinuation of Residential Water Service attached hereto and incorporated herein as Exhibit A. The Board may amend the attached Policy in the future by ordinance or resolution.

Section 3 Effect of Amendment; Provisions Controlling Except as expressly set forth herein, all other provisions of Chapter 5.05 remain unchanged and in full force and effect. All ordinances, resolutions, or administrative actions by the Board, or parts thereof, that are inconsistent with any provision of this Ordinance are hereby superseded only to the extent of such inconsistency.

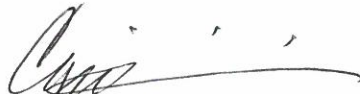
Section 4 Execution The President of the Board shall sign this Ordinance and the Secretary of the Board shall attest thereto. This Ordinance shall be effective upon adoption and execution as set forth below.

Section 5 Severability If any section, subsection, clause or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of this Ordinance shall not be affected thereby. 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.

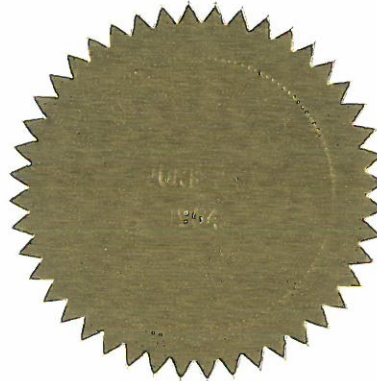
Section 6      Incorporation of Recitals    The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.

**ADOPTED** this 22<sup>nd</sup> day of January, 2020, by the Board of Directors of the Twentynine Palms Water District.

AYES:            Directors Arthur, Coghill, Horn, Leazer, and Giannini  
NOES:            None  
ABSTAIN:        None  
ABSENT:         None

  
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Carol Giannini, President  
Board of Directors

ATTEST:  
  
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Ray Kolisz, Board Secretary  
Twentynine Palms Water District



## **POLICY ON DISCONTINUATION OF DOMESTIC WATER SERVICE**

*Adopted by Ordinance 98 of the Twentynine Palms Water District  
Board of Directors on January 22, 2020.*

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 an 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 Friday, from 7:30 a.m. to 5:00 p.m., except on District holidays.