

**RESOLUTION NO. 2020-22**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY GUADALUPE  
ADOPTING A NEW WATER DISCONNECTION (SHUT OFF) POLICY TO MEET THE REQUIREMENTS OF  
WATER CODE SECTIONS 116900, ET SEQ. REGARDING THE DISCONTINUATION OF RESIDENTIAL  
WATER SERVICE AND ESTABLISHING RELATED FEES**

**WHEREAS**, On September 28, 2018, former Governor Brown approved Senate Bill 998 regarding the discontinuation of residential water service, codified in Chapter 6 of Part 12 of Division 104 of the California Health & Safety Code, Sections 116900, et seq.; and

**WHEREAS**, the new law prohibits urban and community water systems from discontinuing residential water service under specified circumstances; and

**WHEREAS**, the new law also requires written policies for water shut offs, limits to reconnection fees, and reports on the number of annual discontinuations of residential service on the water provider's website; and

**WHEREAS**, the City of Guadalupe water discontinuation policy is inconsistent with the new regulation; and

**WHEREAS**, urban and community water systems that serve fewer than 3000 customers, such as the City of Guadalupe, are required to comply with the provisions of SB 998 by April 1, 2020; and

**WHEREAS**, modifications to existing fees related to notice of water discontinuation and reconnection are desirable at this time in addition to the creation of a new fee for setting up an alternative payment schedule.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Guadalupe that:

1. The attached Water Disconnection (Shut Off) Policy meets the requirements of Senate Bill 998 regarding the discontinuation of residential water service and is hereby adopted; and
2. The City's existing fee for issuance of a Notice of Discontinuation of Water Service (the "past due fee" listed on the City's Master Fee Schedule, Part 1, A-4) is changed from 10% of the balance due with a \$10 minimum to a \$10 processing fee; and
3. The City's existing fee for reconnection after discontinuation of water service due to nonpayment listed on the City's Master Fee Schedule, Part 1, A-4, is changed from a \$53 "delinquent fee" and a \$27 "reconnect" fee to a flat rate \$50 reconnection fee when reconnection occurs within normal City operational hours (8 a.m. to 4:30 p.m., Monday-Friday, excepting holidays) and a flat rate \$150 reconnection fee when reconnection occurs outside of normal City operational hours; and

4. A new fee of \$20 for establishment of an alternative payment schedule is hereby created and shall be included in the City's Master Fee Schedule, Part 1, A-4; and

5, The City's Master Fee Schedule will be amended in a manner consistent with this Resolution forthwith.

**PASSED, APPROVED AND ADOPTED** at a regular meeting on the 24<sup>th</sup> day of March, 2020 by the following vote:

**Motion:** LILIANA CARDENAS / GINA RUBALCABA  
**AYES:** 5 **Councilmembers:** Ramirez, Cardenas, Julian, Rubalcaba, Costa Jr.  
**NOES:** 0  
**ABSENT:** 0  
**ABSTAIN:** 0

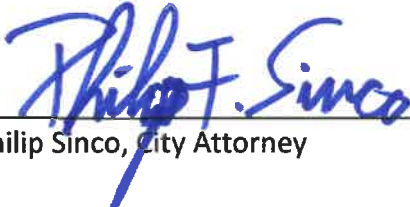
I, Joice Earleen Raguz, City Clerk of the City of Guadalupe DO HEREBY CERTIFY that the foregoing Resolution, being **Resolution No. 2020-22**, has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held March 24, 2020, and that same was approved and adopted.

ATTEST:

  
\_\_\_\_\_  
Joice Earleen Raguz, City Clerk

  
\_\_\_\_\_  
Ariston Julian, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Philip Sinco, City Attorney

City of Guadalupe  
Finance Department | Utility Billing Division  
**WATER SERVICE DISCONNECTION (SHUT-OFF) POLICY  
FOR DELINQUENT ACCOUNTS**  
[www.ci.guadalupe.ca.us](http://www.ci.guadalupe.ca.us)

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The City of Guadalupe (“City”) issues monthly utility bills for water service for the prior billing period. Utility bills are due and payable upon mailing date and are considered delinquent if payment is not received in the City’s Utility Billing Division at 918 Obispo Street by 4:30 p.m. one calendar day from the bill mailing date.

If the City does not receive payment by the 20<sup>th</sup> day from the bill issue date, the account will be considered past due. The City will mail a written disconnection notice at least 15 calendar days prior to termination. When a customer’s account has been delinquent for 60 calendar days, water service shall be disconnected due to non-payment in compliance with Senate Bill No. 998 (Water Code Sections 116900, et seq.)

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**CONTACT INFORMATION**

To avoid disconnection of service due to non-payment, to request an extension, or to request an alternative payment schedule or amortization plan, contact the Utility Billing Division as soon as possible:

**Phone:** (805) 356-3896

**Email:** [irivas@ci.guadalupe.ca.us](mailto:irivas@ci.guadalupe.ca.us)

**In-Person:** City of Guadalupe  
Finance Department

918 Obispo Street  
Guadalupe, CA 93434

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**WRITTEN DISCONNECTION NOTICE**

The City will make a reasonable, good faith effort to contact customers by mail at least 15 calendar days before discontinuation of water service due to non-payment. This written disconnection notice will be mailed to the billing address designated on the account. If the billing and service addresses are different, a second notice will be mailed to the service address and addressed to “Occupant.” The written disconnection notice will include, at minimum, the following:

- The customer’s name and service address;
- The amount of delinquency;
- The date by which payment or arrangements for payment are required to avoid water shut-off;
- A description of the process to apply for a deferred/alternative payment schedule or amortization plan;
- A description of the process to dispute or appeal an utility bill;
- A notification to any tenants/occupants that if a landlord-tenant relationship exists and the landlord is the customer of record, the tenant/occupant may become a customer of the City without assuming responsibility for the landlord’s delinquencies;
- A website link to the City’s water service disconnection policy; and

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- Contact information for the City to discuss averting water service disconnection due to non-payment.

If the written discontinuation notice is returned through the mail as undeliverable, the City will make a reasonable, good faith effort to visit the residence and leave a door hanger containing the written notice of disconnection.

All delinquent water service charges and associated fees must be received at the City by 4:30 p.m. on the day specified in the written disconnection notice to avoid discontinuation of service, provided, however, that an appeal pursuant to this Policy shall stay discontinuation, but shall not stay the accumulation of additional fees or penalties, if any.

*Residential Tenants/Occupants of Individually-Metered Residences Served through Master Meters*  
Residential tenants/occupants of individually-metered residences will receive the above listed written notice addressed to "Occupants" at the service address for the account. The notice will be provided a minimum of ten calendar days prior to disconnection of service.

*Residential Tenants/Occupants of a Multi-Unit Complex Served through a Master Meter*  
Residential tenants/occupants of a multi-unit complex served through a master meter will receive either a mailed letter to their unit or written notice by door hanger. In either event, notice will be provided a minimum of ten calendar days prior to disconnection of service.

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### **ALTERNATIVE PAYMENT SCHEDULES / AMORTIZATION PLANS**

A customer who is unable to pay their utility bill within 60 calendar days after being delinquent may request an alternative payment schedule to avoid late fees or disruption of water service.

Payment arrangements that extend into the next billing period are considered an amortization plan. All amortization plans must be in writing and signed by the customer. An amortization plan will amortize the unpaid balance over a period defined by the customer not to exceed 12 months from the original date of the bill. The amortized payments will be combined with, and subject to the due date of, the customer's current bill. The customer must comply with the terms of the amortization plan and remain current as charges accrue in each subsequent billing period. The customer may not request further amortization of any subsequent unpaid charges while paying delinquent charges pursuant to an amortization plan.

Residential service may be discontinued no sooner than five business days after the final notice of intent to disconnect service (door hanger) is posted in a prominent and conspicuous location at the property under either of the following circumstances:

- The customer fails to comply with an amortization plan or an alternative payment schedule; or
  - While undertaking an amortization plan or alternative payment schedule, the customer does not pay their current residential service charges for 60 calendar days or more.
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### **REESTABLISHING SERVICE**

The City will make a reasonable, good faith effort to restore service before the end of the next regular business day following payment of any past due amount and delinquent fees attributable to the termination of service. Regular business hours are Monday through Friday 8:00 a.m. to 4:30 p.m. (except holidays).

At the City's sole discretion, service *may* be restored outside of regular business hours provided the customer enters into an agreement to pay fees for after-hours service.

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### **RESIDENTIAL OCCUPANTS WITH LANDLORD-TENANT RELATIONSHIPS**

Where a landlord-tenant relationship exists between the owner, manager, or operator of the dwelling, structure, or park, occupants of individually-metered detached single-family dwellings, multiunit residential structures, mobile home parks, or permanent residential structure in labor camps (as defined by Section 17008 of the Health and Safety Code), have the right to become customers of the City without being required to pay any amount which may be due on the delinquent account.

For occupants of detached single-family dwellings where the account is delinquent and the occupant wishes to become a customer of the City, the occupant must first verify the existence of a landlord-tenant relationship prior to becoming a customer of the City. 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 Civil Code section 1962.

For residential occupants of non-individually metered detached single-family dwellings, multiunit residential structures, mobile home parks, or permanent residential structure in a labor camps (as defined by Section 17008 of the Health and Safety Code), the City is not required to accept residential occupants as customers unless each residential occupant agrees to the terms and conditions of services and meets the City's requirements for service. However, if one or more of the residential occupants are willing and able to assume responsibilities for subsequent charges to the account to the City's satisfaction, or if there is a physical means legally available to terminate service to those residential occupants who have not met the City's requirements, the City shall make service available to those residential occupants who have met the City's terms, conditions, and requirements.

### **RESIDENTIAL EXEMPTIONS FROM DISCONNECTION**

Residential water service will not be disconnected for non-payment if **all** of the following conditions are met:

- The customer or tenant of the customer submits the certification of a primary care provider (defined in Welfare and Institutions Code Section 14088 Subdivision B, Paragraph 1, Subparagraph A) 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.
- The customer demonstrates they are financially unable to pay for residential service within the normal billing cycle. The customer shall be deemed financially unable to

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pay for residential service within the 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 if the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

- The customer is willing to enter into an amortization agreement or alternative payment schedule consistent with this Policy, including payment of all delinquent charges.

If **all** conditions are met, an amortization of the unpaid balance or alternative payment schedule will be offered. The City will choose which of the payment options the customer undertakes and set the parameters of that payment option. Ordinarily, the repayment option offered should result in a repayment or any remaining outstanding balance within 12 months.

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### **PETITIONS FOR BILL REVIEW**

No later than 45 calendar days after bill issuance, a written petition for review may be submitted to:

**Email:**        [irivas@ci.guadalupe.ca.us](mailto:irivas@ci.guadalupe.ca.us)

**Mail:**         City of Guadalupe  
                    Finance Department  
                    918 Obispo Street  
                    Guadalupe, CA 93434

**In-Person:**    City Hall payment drop box or Utility Billing counter (at above address)

Payment of the entire bill in full is required prior to review by the Finance Director. After review, a written opinion will be issued. If the bill is determined to contain an error, the customer may be issued a billing credit applied toward their next bill or, if requested by customer in the written appeal for review, a refund. A decision of the Finance Director may be appealed in writing to the City Administrator within 15 calendar days of the Finance Director's decision. The appeal will be heard by the City Administrator within a reasonable time, not to exceed 30 calendar days after receipt. This determination shall be final and not subject to further appeal.

### **FEES**

A \$10 processing fee will be incurred upon presentation of the written disconnection notice. If the customer desires to apply for an alternative payment schedule, a \$20 installment plan fee will be charged. The City will charge a reconnect fee of \$50, \$150 if after regular business hours.