

**RESOLUTION NO. 2020-01**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
RIVERDALE PUBLIC UTILITY DISTRICT ADOPTING  
ADMINISTRATIVE POLICIES AND PROCEDURES FOR UTILITY  
BILLING, TERMINATION OF UTILITY SERVICES FOR  
NONPAYMENT OR DELINQUENT ACCOUNTS, AND THE  
RESTORATION OF UTILITY SERVICES IN THE RIVERDALE  
PUBLIC UTILITY DISTRICT**

The Board of Directors of the Riverdale Public Utility District does hereby find and determine as follows:

A. WHEREAS, the Riverdale Public Utility District ("District") is a California public utility district formed and existing under and by virtue of the provisions of the Public Utility District Act, codified at Public Utility Code §§15501-18055, including all acts, laws and decisions of courts amendatory thereof or supplementary thereto, and possessing all of the powers thereof; and

B. WHEREAS, in 2018, the Legislature passed, and the Governor signed, Senate Bill No. 998 ("SB 998"), which enacted Chapter 6 (commencing with Section 116900) of Part 12 of Division 104 of the Health and Safety Code, setting forth procedures to be followed by municipal water providers in collecting unpaid, late or delinquent water charges and in shutting off and reconnecting water service; and

C. WHEREAS, the procedures set out in SB 998 are mandatory for municipal water providers who must conform to SB 998 no later than February 1, 2020, the municipal water provider being subject to a penalty of \$1,000.00 per day if the provider is not in compliance with SB 998 by February 1, 2020; and

D. WHEREAS, the District is required to comply with SB 998; and

E. WHEREAS, the Board has directed staff to review SB 998, and the Districts' current Policies and Procedures to determine if they need to be revised to meet the intent of SB 998; and

F. WHEREAS, staff has reviewed the current Policies and Procedures and determined that they do not meet the intent of SB 998 and need to be revised; and

G. WHEREAS, staff has prepared and presented the proposed Administrative Policies and Procedures for Utility Billing, Termination of Utility Services for Nonpayment of Delinquent Accounts, and Restoration of Utility Services, attached hereto as Exhibit "A," to the Board for its consideration;

NOW, THEREFORE BE IT RESOLVED, by the Board of Directors of the Riverdale Public Utility District, that the Board finds that the proposed Administrative Policies and Procedures for Utility Billing, Termination of Utility Services for Nonpayment of Delinquent Accounts, and Restoration of Utility Services will adequately meet the needs of the District, while meeting the intent of SB 998 and approve their implementation.

Passed and adopted by the Board of Directors of the Riverdale Public Utility District at a Regular Board Meeting held on February 4, 2020, by the following vote:

AYES: Petty, Pine, Rocha, Fritz, Mauger

NOES: None

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
JAMES O. PETTY, PRESIDENT,  
BOARD OF DIRECTORS

ATTEST:

  
\_\_\_\_\_  
SALLIE OCKEY, DISTRICT SECRETARY

**CERTIFICATE OF SECRETARY**

I, Sallie Ockey, the duly appointed and acting Secretary of the Board of Directors of the Riverdale Public Utility District, do hereby certify that the foregoing Resolution was passed and adopted at a Regular Meeting of the Board of Directors of the Riverdale Public Utility District, duly noticed and held at Riverdale, California, on February 4, 2020.

DATED: February 4, 2020.

  
\_\_\_\_\_  
SALLIE OCKEY, DISTRICT SECRETARY

## EXHIBIT A

### ADMINISTRATIVE POLICIES AND PROCEDURES

**SUBJECT: UTILITY BILLING, TERMINATION OF UTILITY SERVICES FOR NONPAYMENT OF DELINQUENT ACCOUNTS AND RESTORATION OF UTILITY SERVICES**

**EFFECTIVE DATE: February 1, 2020.**

#### **SECTION 1.0 PURPOSE**

The purpose of these Policies and Procedures is to provide guidance to Riverdale Public Utility District (District) staff in the area of billing, and the collection of fees and charges for utility services provided by the District, in accordance with the Ordinances and Resolutions duly adopted by the District for said purpose. In addition, these Policies and Procedures will provide guidance for the discontinuation and restoration of utility services for nonpayment of a delinquent account. These Policies and Procedures shall be provided to customers upon request and as required by State Law. The intent of these Policies and Procedures is to comply with the Water Shutoff Protection Act of the State of California.

#### **SECTION 2.0 METER READING**

All water meters will be read each month beginning on or about the 25<sup>th</sup> of each month. This schedule will provide an average billing cycle of 30 days. Meter reading personnel shall turn in the readings to the Office Manager to be input into the computer. At no time shall the personnel reading the meters input the readings into the computer.

#### **SECTION 3.0 PREPARATION OF BILLS**

The Office Manager or other authorized staff shall be responsible for the input of data, the preparation, and delivery of the utility bills.

#### **SECTION 4.0 DUE DATE OF BILL**

Bills for utility services shall be due and payable upon deposit in the United States Post Office in Riverdale or upon presentation to the customer in lieu of mailing. Bills for utility

services will be mailed on or about the 3<sup>rd</sup> day of the month.

### **SECTION 5.0 DELINQUENT DATE OF BILL**

Bills for utility services shall become overdue and delinquent if not paid on or before the 23<sup>rd</sup> of the month. The district shall charge the customer an Administrative Fee equal to 10% of the overdue balance on the 24<sup>th</sup> of the month. When the 23<sup>rd</sup> falls on a weekend or legal holiday, the customer shall have until the close of business on the next business day to pay without penalty.

### **SECTION 6.0 PROCEDURES FOR THE TERMINNATION OF UTILITY SERVICES**

When a bill for utility services is overdue and delinquent for a period of sixty (60) days, without a prior payment arrangement, the District shall begin the following procedure:

- The District will provide the customer with a minimum of seven (7) business days' written notice that the utility services will be terminated to the premises. The notice shall include the customer's name and address, the amount of the delinquency, the date by which payment or arrangement for payment is required in order to avoid discontinuation of residential service, a description of the procedure to petition for bill review and appeal to the Board of Directors, and a description of the procedure by which the customer may request an amortization of the delinquent charges;
- The District shall provide the customer with a final 24-hour notice specifying the date on which services will be terminated. The District shall assess an Administrative Fee of \$10.00 for the preparation and mailing of the 24 hour notice; and
- The District will not terminate services after the close of business, on weekends or legal holidays;
- Services will not be terminated, if the customer has petitioned the Board of Directors for a bill review and appeal, while the appeal is pending.

If all of the following conditions are met, the District shall not discontinue residential service for nonpayment:

- The customer, or tenant of the customer, submits to the District 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;

- The customer demonstrates that he or she is financially unable to pay for residential service within the District's normal billing cycle. The customer shall be deemed financially unable to pay for residential service within the District'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 household's annual income is less than 200 percent of the Federal poverty level; and
- The customer is willing to enter into an amortization agreement consistent with written District policies with respect to all overdue and delinquent charges for services.

This Section does not apply to the termination of a service connection by the District due to an unauthorized action by a customer or residential occupant.

## **SECTION 7.0 AMORTIZATION PROGRAM**

The District's Amortization Program shall consist of the following:

- The amount to be amortized shall be the amount of the delinquent bill, any overdue due bill, and the current charges as of the day the customer enters into the Amortization Agreement. This amount will be divided equally by the length of the Amortization Agreement;
- The amortization period shall not exceed twelve (12) consecutive months;
- The original delinquent bill will continue to be considered delinquent during the amortization period;
- By entering into an Amortization Agreement the customer agrees to pay the amount amortized and any and all current charges;
- During the amortization period the District will not assess the Administrative Fees set forth in Section 5.0 of this policy;

Residential service may be discontinued no sooner than five (5) business days after the District posts a final notice of intent to discontinue service in a prominent and conspicuous location at the property under either of the following circumstances:

- The customer fails to comply with the Amortization Agreement for delinquent charges for 60 days or more; or
- While under taking the Amortization Agreement for delinquent charges the customer does not pay his or her current residential service charges for 60 days of more.

## **SECTION 8.0 RESTORATION OF SERVICES**

Prior to restoration of utility services that have been terminated as a result of delinquency, without prior arrangement, the customer shall be required to pay all current fees and charges in addition to the delinquent fees and charges in full. The District shall impose an Administrative Fee of \$50.00 or the actual cost to the District, whichever is less for the restoration of services during regular business hours. For restoration of services after normal business hours, the District shall impose an Administrative Fee of \$150.00 or the actual cost to the District, whichever is less.

## **SECTION 9.0 LANDLORD-TENANT RELATIONSHIP**

If the District furnishes individually metered residential service to residential occupants of a detached single-family dwelling, a multiunit residential structure, mobile home park or permanent residential structure in a labor camp, and the manager, or operator of the dwelling, structure, or park is the customer of record, the District 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 ten (10) days prior to the termination. The written notice shall further inform the residential occupants that they have the right to become customers of the District, to whom the service will be billed, without being required to pay any amount, which may be due on the delinquent account.

The District 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 District'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 District, or if there is a physical means legally available to the District to selectively terminate service to those residential occupants who have not met the District's rules and tariffs, the District shall make service available to those residential occupants who have met those requirements.

In the case of a detached single-family dwelling, the District may do any of the following:

- Give notice of termination at least seven (7) days prior to the proposed termination;
- In order for the amount due on the delinquent account to be waived, require the 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.