

# CLEAR CREEK COMMUNITY SERVICES DISTRICT

## ORDINANCE 2020-03

AN ORDINANCE BY THE BOARD OF DIRECTORS OF THE CLEAR CREEK COMMUNITY SERVICES DISTRICT AUTHORIZING APPROVAL OF A POLICY FOR THE DISCONTINUATION OF WATER SERVICE AND AUTHORIZING THE DISTRICT TO TAKE ALL NECESSARY AND APPROPRIATE ACTIONS TO CARRY OUT THE PURPOSE AND INTENT OF THIS ORDINANCE.

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WHEREAS, existing law declares it to be the established policy of the State of California that every human being has the right to safe, clean, affordable and accessible water adequate for human consumption, cooking and sanitary purposes; and

WHEREAS, on September 28, 2018 Senate Bill 998 (SB 998) was signed into law by the Governor amending the California Health and Safety Code and introduced new restrictions on the discontinuation of residential/agricultural water service for delinquent utility accounts; and

WHEREAS, SB 998 was codified as "The Water Shutoff Protection Act," to be complied with by 2020 and found in the Health and Safety Code Section 116900, et seq.; and

WHEREAS, the requirements of SB 998 require the Clear Creek C.S.D. to have a written policy on the discontinuation of residential water services which will require the District to notify delinquent District utility customers.

WHEREAS, SB 998 will also require the CCCSD to take a number of steps before discontinuing water service and to also report the number of discontinuations to the State of California; and

WHEREAS, The CCCSD will comply with the requirements of SB 998 by March of 2020.

NOW, THEREFORE, BE IT ORDAINED and hereby declared by the Board of Directors that the policy for the Discontinuation of Water Service for Non-payment is hereby approved, a copy of which is attached as Exhibit A and incorporated by this reference. The District is hereby authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Ordinance.

Passed and adopted by the Board of Directors of the Clear Creek Community Services District this 18<sup>th</sup> day of March, 2020 by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

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Johanna Trenergy, Chairwoman

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Kurt Born, General Manager  
Secretary to the Board of Directors

CLEAR CREEK CSD - DISCONTINUATION OF RESIDENTIAL WATER SERVICE  
EXHIBIT A - POLICY

In order to comply with the requirements of Senate Bill 998, the following policy regarding the disconnection of water services has been adopted by the CCCSD Board of Directors during an open and public Board of Directors meeting held on March 18, 2020.

Payment of Customer Bills: Billing service is based on a monthly billing cycle within the water year as outlined in Article I, 1.2, r and s. The meters are read approximately the 20<sup>th</sup> of each month. The bills are due upon receipt, and late after the 20<sup>th</sup> of the month. Service may be discontinued for non-payment 60 days after billing. Delinquent bills are subject to a penalty charge of 1 ½% per month. Service discontinued due to delinquency will not be restored until the past and current balance due and a reconnection charge are paid in full.

Office staff can offer a plan for deferred or reduced payments when requested by the customer that includes alternative payment schedules in an effort to help the customer get back on track over a pre-determined period of time.

The formal mechanism for contesting a water bill must be provided in writing to the Board of Directors to be heard during the next upcoming board meeting. The customer shall provide to the Board their reasons for seeking an alternative payment schedule or why they feel they need a deferred or reduced payment plan. Prior to a Board decision, the customer will continue to keep their account current.

The District shall not discontinue residential water service for non-payment until a customer has been delinquent for 60 days and in no less than seven business days before discontinuation of residential service for non-payment, the District will attempt to contact the customer named on the account by telephone or written notice.

If the CCCSD is unable to make contact with the customer or an adult occupying the residence by telephone, and written notice is returned through the mail as undeliverable, the urban and community water system shall make a good faith effort to visit the residence and leave, or make other arrangements for placement in a conspicuous place of, a notice of imminent discontinuation of residential service for nonpayment and the CCCSD system's policy for discontinuation of residential service for nonpayment.

\*\*When the Clear Creek C.S.D. staff contacts the customer named on the account by telephone, it shall offer to provide in writing to the customer the Clear Creek C.S.D. policy on discontinuation of residential service for nonpayment. The CCCSD shall offer to discuss options to avert discontinuation of residential service for nonpayment, including, but not limited to, alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance, and petition for bill review and appeal.\*\*

If an adult at the residence appeals the water bill to the Clear Creek C.S.D. system or any other administrative or legal body to which such an appeal may be lawfully taken, the Clear Creek C.S.D. shall not discontinue residential service while the appeal is pending.

The Clear Creek C.S.D. water system shall not discontinue residential service for nonpayment if all of the following conditions are met:

- The customer, or a tenant of the customer, submits to the CCCSD 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 Clear Creek C.S.D.'s normal billing cycle. The customer shall be deemed financially unable to pay for residential service within the Clear Creek C.S.D. 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 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, alternative payment schedule, or a plan for deferred or reduced payment, consistent with the written policies provided pursuant to subdivision (a) of Section 116906 of Senate Bill 998, with respect to all delinquent charges.

Residential service may be discontinued no sooner than 5 business days after the urban and community water system posts a final notice of intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances:

- The customer fails to comply with an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges for 60 days or more.
- While undertaking an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges, the customer does not pay his or her current residential service charges for 60 days or more.

If the Clear Creek C.S.D. discontinues residential service for nonpayment, it shall provide the customer with information on how to restore residential service.

For a residential customer who demonstrates to an urban and community water system household income below 200 percent of the federal poverty line, the Clear Creek C.S.D. shall do both of the following:

- Set a reconnection service fee for reconnection during normal operating hours at fifty dollars (\$50), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021. For the reconnection of residential service during nonoperational hours, the Clear Creek C.S.D. shall set

a reconnection of service fee at one hundred fifty dollars (\$150), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

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- Waive interest charges on delinquent bills once every 12 months.
- An urban and community water system shall deem a residential customer to have a household income below 200 percent of the federal poverty line 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 Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

This section applies if there is a landlord-tenant relationship between the residential occupants and the owner, manager, or operator of the dwelling.

- If the Clear Creek C.S.D. 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 as defined in Section 17008 of Senate Bill 998, and the owner, manager, or operator of the dwelling, structure, or park is the customer of record, the Clear Creek C.S.D. shall 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 10 days prior to the termination. The written notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account.
- The Clear Creek C.S.D. 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 Clear Creek C.S.D.'s rules and regulations. 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 Clear Creek C.S.D., or if there is a physical means legally available to the Clear Creek C.S.D. of selectively terminating service to those residential occupants who have not met the requirements of the Clear Creek C.S.D.'s rules and regulations, the CCCSD shall make service available to those residential occupants who have met those requirements.

- If prior service for a period of time is a condition for establishing credit with the Clear Creek C.S.D., residence and proof of prompt payment of rent or other credit obligation acceptable to the CCCSD for that period of time is a satisfactory equivalent.
- Any residential occupant who becomes a customer of the CCCSD pursuant to this section whose periodic payments, such as rental payments, include charges for residential water service, where those charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the CCCSD for those services during the preceding payment period.

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

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

The Clear Creek C.S.D. shall report the number of annual discontinuations of residential service for inability to pay on the Clear Creek C.S.D.'s Internet Web site, if an Internet Web site exists, and to the board. If the board has its own Internet Web site it too shall post on its site the information reported.

The Attorney General, at the request of the board or upon his or her own motion, may bring an action in state court to restrain by temporary or permanent injunction the use of any method, act, or practice declared in this document to be unlawful.

- For an urban and community water system regulated by the Public Utilities Commission, the commission may bring an action in state court to restrain by temporary or permanent injunction the use by an urban and community water system regulated by the commission of any method, act, or practice declared in this document to be unlawful.

All written notices required under this document shall be provided in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by 10 percent or more of the customers in the Clear Creek C.S.D.'s service area.

Where provisions of existing law are duplicative of this document, compliance with one shall be deemed compliance with the other. Where those provisions are inconsistent, the provisions of this chapter shall apply. Nothing in this chapter shall be construed to limit or restrict the procedural safeguards against the disconnection of residential water service existing as of December 31, 2018.

This document does not apply to the termination of a service connection by the Clear Creek C.S.D. due to an unauthorized action of a customer.