

RESOLUTION NO. 2020-001

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE BUTTONWILLOW COUNTY WATER DISTRICT
APPROVING A WRITTEN POLICY ON
DISCONTINUATION OF RESIDENTIAL WATER
SERVICE IN ACCORDANCE WITH THE STATE
WATER SHUT-OFF PREVENTION ACT

WHEREAS, the State of California has adopted Senate Bill 998 and codified its provisions at Chapter 6 (commencing with Section 116900) to Part 12 of Division 104 of the Health and Safety Code entitled the "Water Shut-off Protection Act" (the "Act"); and

WHEREAS, the Act requires the Buttonwillow County Water District (the "District") to have a written policy on the discontinuation of residential water services in compliance with the terms of the Act; and

WHEREAS, the Board of Directors of the District wish to adopt the policy on the discontinuation of residential water service attached hereto as Exhibit "A" and by this reference made a part hereof (the "District Water Shut-off Policy").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BUTTONWILLOW COUNTY WATER DISTRICT that the Board of Directors hereby adopts the District Water Shut-off Policy.

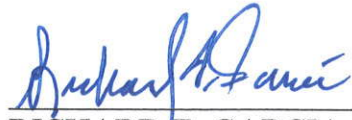
PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Buttonwillow County Water District at its regular meeting on January 15, 2020 by the following vote:

AYES: 4 Directors *Richard Garcia, Albert Ghilarducci, Vanessa Montemayor, Mike Bertson*

NOES: 0

ABSTAIN: 0

ABSENT: 1



RICHARD F. GARCIA, President, Board
of Directors, Buttonwillow County Water
District

ATTEST:



REGINA HOUCHIN, Secretary,
Board of Directors, Buttonwillow
County Water District

EXHIBIT "A"
[District Water Shut-off Policy]

**BUTTONWILLOW COUNTY WATER DISTRICT
POLICY ON DISCONTINUATION OF
RESIDENTIAL WATER SERVICE**

The Buttonwillow County Water District ("District") recognizes that all of its' water customers have a right to safe, accessible and affordable drinking water and that the loss of water service causes tremendous hardship and undue stress, including health risks to vulnerable populations. The District has established this policy to minimize the number of customers who lose access to water service due to inability to pay because water service discontinuations threaten human health and well-being and water service discontinuations have disproportionate impact on certain segments of the population. These segments include infants, children, the elderly, low income families, communities of color, people for whom English is a second language, physically disabled persons and persons with life threatening medical conditions. This policy is adopted in accordance with the guidance established by California Health and Safety Code Section 116900 et seq also known as the Water Shut-off Protection Act.

THE DISTRICT'S BILLING PROCESS

The District bills its water customers, in arrears, on the first of each month for water use during the prior billing period. The water bills are due upon receipt by the customer and delinquent if not paid by the Fifteenth (15th) day of the month (the "Payment Due Date") and subject to penalty. If the bill and penalties are not paid in full within sixty (60) days following the Payment Due Date, water service may be discontinued as hereinafter described. Except for discontinuance of residential water service which shall be governed by this policy and the Water Shut-off Protection Act, District may employ all other enforcement procedures authorized by District policy if a customer fails to make full payment of his or her bill by the Payment Due Date, including recordation of a lien.

PROCEDURE FOR DISCONTINUING SERVICE.

At least seven (7) business days before discontinuing the customer's service, a representative of the District will contact the customer by telephone, in writing, or both ("Notice of Termination") setting forth the date for discontinuing water service, to warn of the impending service discontinuation, make available and explain the terms of this Policy, discuss options to avoid the service discontinuation, and provide other information required by law.

- a) If provided telephonically, the representative will specifically do the following: (1) offer to provide a copy of this Policy; (2) offer options to avert the service discontinuation, including, if applicable, alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance; (3) and explain the process to request a review and/or appeal of the delinquent service rate, charge, or fee.
- b) If the notice is provided in writing, the notice will specifically contain the following: (1) the customer's name and address; (2) the delinquent amount; (3) the

date by which payment or arrangement for payment is required in order to avoid service discontinuation; (4) a description of the process to apply for an extension of time to pay the delinquent service rate, charge, or fee; (5) and a description of the procedure by which the customer, if meeting the requirements, for same may request a deferred, reduced, or alternative payment schedule, including an amortization of the delinquent residential service charges, consistent with this Policy.

PAYMENT ARRANGEMENTS

A customer may enter into payment arrangements with the District if they have certain hardships or are otherwise unable to pay their water bill by its Shut-off date. The District may be able to offer a plan for deferred or reduced payments or alternative payment arrangements. In order to avert the discontinuation of residential water services, customers should, at the earliest possible date, contact:

Buttonwillow County Water District
P.O. Box 874
Buttonwillow, CA 93206
(661) 764-5273

If the customer, for sixty (60) days or more, either (i) fails to comply with the agreed upon plan or (ii) does not pay his or her current residential services charges while on the payment plan, then 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 customer's property. Water Department personnel will offer a copy of this policy to all delinquent customers who contact the District by telephone or in person and offer to discuss payment arrangements.

UNDELIVERABLE NOTICES

If the written notice is returned as undeliverable, the District will attempt to make contact with the customer or an adult occupying the residence by telephone. If the District makes contact by telephone, the representative will specifically do the following: (1) offer to provide a copy of this Policy; (2) offer options to avert the service discontinuation, including alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance; (3) and explain the process to request a review or appeal of the delinquent charges. If the District is unable to make contact by telephone, the District will visit the residence and post a conspicuous notice of imminent discontinuation of water service and a copy of this Policy.

NONRESIDENT OWNERS/NONOWNER RESIDENTS

If the customer to whom the bill is sent does not reside at the residence, then, at least ten days prior to the date of termination, the District shall also provide a written delinquency notice to the residence addressed to "Occupant" or otherwise make reasonable attempts to contact an adult person residing at the residence by telephone or personal contact or by posting a notice of termination in a conspicuous location at the residence and provide a copy of this policy to the residential occupant and inform them that they have a 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.

SPECIAL PROVISIONS

The District will not discontinue water service to a customer (or tenant of a customer) who:

- a) Submits the certification of a primary care provider (as described in Welfare & Institutions Code Section 14088) that discontinuation of service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where the service is provided, and
- b) Demonstrates that he or she is financially unable to pay for residential service within the normal billing cycle as provided for under the Water Shut-off Prevention Act as 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 and,
- c) The customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment, consistent with the District's written policies with respect to all delinquent charges.

If these conditions are met the District shall offer a plan for deferred or reduced payments or alternative payment arrangements or a combination of those arrangements, the terms of which will be determined by the District. The foregoing may allow customers to defer or reduce delinquent rates, charges, or fees or provide an amortization or alternative payment for same. While under this arrangement, residential service may be discontinued no sooner than 5 business days after the District posts a final notice of intent to disconnect service in a prominent and conspicuous location at the property if the customer, for sixty (60) days or more, either (i) fails to comply with the agreed upon plan or (ii) does not pay his or her current residential services charges while on the payment plan.

RECONNECTION.

For residential customers (or tenants of customers) who demonstrate a household income below 200 percent of the federal poverty line, the District will:

- a) Set a reconnection fee of not more than the lesser of the cost of the reconnection, or \$50 during operating hours and \$150 during non-operating hours. These maximums are subject to increases based on changes in the Consumer Price Index (CPI) effective January 1, 2021.
- b) Waive interest charges on delinquent bills once every twelve months.

LANDLORD-TENANT RELATIONSHIPS.

The provisions of this Section apply where individually metered service is provided to each dwelling unit for 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 California Health & Safety Code Section 17008, and the owner, manager, or operator of the dwelling, structure, or park is the customer of record.

- a. At least ten (10) days prior to discontinuing service, the District will make a good faith effort to inform the residential occupants in writing that the dwelling unit's account is delinquent and that service will be terminated.
- b. The written notice will inform the occupants that they may become a customer of record and accept bills for the unit's water service. The occupants will not be held responsible for delinquent amounts owed by the existing customer of record.
- c. The District will ask each residential occupant to agree to the District's terms and conditions of service, rules, and tariffs, unless one or more occupants accepts such responsibilities to the District's satisfaction or the District is able to selectively terminate service to those occupants who do not meet such terms and conditions.
- d. Notwithstanding the foregoing, if the dwelling unit is a detached single-family dwelling unit, then the District will (1) give notice to the occupant of service discontinuation at least seven (7) days prior to the proposed discontinuation; and (2) require the occupant to verify that the delinquent account customer was the landlord, manager, or agent of the dwelling unit. Verification may include a lease or rental agreement, rent receipts, or other government document.

CONTESTING OR APPEALING A WATER BILL

Any customer receiving a Notice of Termination may appeal his or her bill by delivering a written notice of appeal to the District no later than one business day prior to the date of discontinuance of water service. The appeal shall include an explanation of any errors in the bill alleged by the appellant. The District Secretary shall review the appeal and issue a decision within ten (10) business days from receipt of the appeal which shall be mailed to the appellant. The decision of the District Secretary shall be final. Water service will not be discontinued during the pendency of an appeal.

DISCONTINUED SERVICES

If the District discontinues residential water services for nonpayment a copy of this policy will be provided to the customer.

RESTORING SERVICES

The District will promptly provide information regarding the procedures for restoring service to customers once their service is discontinued, including the payment of applicable reconnection service fees.

AVAILABILITY OF THIS POLICY

This policy will be provided to customers upon request.

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