

ORDINANCE NO. 1-2020

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BUTTONWILLOW COUNTY WATER DISTRICT AMENDING ORDINANCE NO. 2 TO COMPLY WITH THE STATE WATER SHUTOFF PROTECTION ACT (HEALTH & SAFETY CODE SECTIONS 116900 ET SEQ.)

THE BOARD OF DIRECTORS OF THE BUTTONWILLOW COUNTY WATER DISTRICT DOES ORDAIN AS FOLLOWS:

Section 1. **AMENDMENTS**

(a) Subsection 1 of Section 4 of Ordinance No. 2 is hereby replaced with the following:

“1. All nonresidential water service charges shall be due and payable at the office of the District at the time bills therefor are rendered, and shall become delinquent thirty (30) days following the date thereof, except that closing bills for service discontinued will be due and payable on the date of presentation. If any bill is not paid in full within thirty (30) days after it becomes delinquent, a basic penalty of 10% of the amount of such bill may be added to the bill.

“2. All residential water service charges shall be due and payable at the office of the District at the time bills therefor are rendered and shall become delinquent, and residential water service may be discontinued as set forth in the District’s written policy (the “Water Shutoff Policy”) on discontinuation of residential water service for nonpayment, drafted in compliance with the “Water Shutoff Protection Act” (Health & Safety Code Sections 116900 et seq) (the “Act”). The Water Shutoff Policy provides for deferred or reduced payment plans, alternative payment schedules and a formal mechanism to contest or appeal a bill and contains a telephone number for customers to call to avert discontinuation of residential services for nonpayment. The Water Shutoff Policy provides that water service will not be discontinued during the appeals process. It is the intent of the City to comply with the provisions of the Water Shutoff Prevention Act (“Act”) and all provisions in this Ordinance, amendments to this Ordinance, and all Resolutions pertaining to this Ordinance or the subject matter herein are subject to compliance with that Act and the Water Shutoff Policy.”

(b) The first paragraph of subsection (d) of Section 8 of Ordinance No. 2 is hereby replaced with the following:

“(d) Upon failure of any nonresidential consumer billed or the owner of a nonresidential premises to pay any water service charge prior to delinquency, the following action shall be taken by the District or the General

Manager to enforce such payment, to wit:"

(c) Subsection (e) of Section 8 of Ordinance No. 2 is hereby replaced with the following:

“(e) Whenever a nonresidential premises has been disconnected from the District water system for any violation of this Ordinance, such premises shall not be reconnected to the District water system until all delinquent charges and penalties have been paid together with any reconnection charge adopted by the District either by ordinance or resolution.”

Section 2. **SEVERABILITY.**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. **ENVIRONMENTAL QUALITY ACT.**

This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines and is not a project which has the potential for causing a significant effect on the environment.

Section 4. **EFFECTIVE DATE.**

This Ordinance shall take effect as provided by law and shall be posted by the Clerk at three public places within the District at least one week before the expiration of thirty (30) days from date hereof.

Section 5. **REPEAL OF CONFLICTING ORDINANCES**

Any Ordinance or part of an Ordinance or any Resolution or part of a Resolution found to be in conflict herewith is to that extent superseded by this Ordinance and repealed.


PASSED AND ADOPTED THIS 15th day of January, 2020 by the following vote:

AYES: 4 DIRECTORS Richard Garcia, Albert Ghilarducci, Vanessa Montemayor
Mike Burton

NOES: 0


ABSTAIN: 0

ABSENT: 1 Samuel Ghilarducci



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

ATTEST:



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

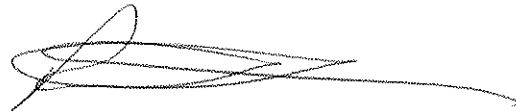
DECLARATION RE POSTING

I, REGINA HOUCHIN, declare that:

I am the Secretary of the Board of Directors of the Buttonwillow County Water District.

On Jan. 16, 2020, I posted three copies of the attached Ordinance at the following locations: Bio Implement Co., Ag Center Accounting, Buttonwillow Rec & Park District. The Ordinance remained posted for more than a week.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on the 4 day of February, 2020 in Buttonwillow, California.



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

SUMMARY OF PROCEDURES FOR DISCONTINUING RESIDENTIAL WATER SERVICE UNDER THE CALIFORNIA WATER SHUT-OFF PROTECTION ACT

1. No termination of water service may occur until the customer has been delinquent in payment of his or her water bill by sixty (60) days. Typically, a water bill is due and payable when received by the customer and becomes delinquent a certain number of days thereafter. The delinquency is usually ten (10), fifteen (15), or thirty (30) days after receipt of the bill. Your policy establishes the fifteenth (15th) day of each month as the date when the bill must be paid in full or become delinquent. Sixty (60) days from that date is the earliest that water service can be terminated. However, interest and penalties can be attached on the fifteenth (15th) day of the month if payment is not received. Both the bill and interest and penalties need to be paid in full within sixty (60) days thereafter or water service can be terminated. No later than seven (7) business days before termination of water service, the District must contact the customer by written notice or telephone, offer to provide the customer with the District's policy on discontinuation of water service, to discuss options to avoid continuation, and to discuss bill review and appeal.

(a) If contact is made by written notice, the written notice must be mailed to the residence if the customer resides there or, if the customer's address is not the address of the residence, the notice must be sent to the address of the residence addressed to "Occupant" as well as to the address of the customer. The notice must include the customer's name and address, the amount of the delinquency, the date by which payment is required to avoid discontinuation, a description of any process to apply for an extension of time, a description of the appeal procedure, and any procedure by which the customer may request a deferred, reduced, or alternative payment schedule.

(b). If the District is unable to make contact with the customer or an adult occupying the residence by telephone, and if written notice is returned through the mail as undeliverable, the District must make a good faith effort to visit the

residence and leave a notice of imminent discontinuation of residential service for non-payment and the District's policy.

2. In the event full payment of the bill is not received by the date of termination, and provided the foregoing procedures have been followed, water service may be discontinued.

3. If a customer submits a certification of a primary care provider that discontinuation of service will be life threatening or pose a serious threat to the health and safety of a resident and if the customer demonstrates that he or she is financially unable to pay for residential service (such as a customer who is a recipient of CalWORKs, CalFresh general assistance, Medi-Cal, supplemental security income, or California Special Supplemental Nutrition Program from Women, Infants, and Children) or the customer declares that the household's annual income is less than 200% of the federal poverty level and the customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment, then water service may not be discontinued. Instead, the terms of the amortization agreement, alternative payment schedule or plan for deferred or reduced payment shall be determined by the District. Only one such arrangement may be entered into by a customer at any given time and the customer must abide by the terms as well as pay his or her regular water bill each month. If the customer fails to comply with the alternative payment schedule for sixty (60) days or more or fails to pay his or her regular monthly bill for sixty (60) days or more, the District may terminate water service 5 business days after posting a notice of intent to terminate water service on the property.

Should you run into this situation, you should contact me on what the terms should be for an alternative payment schedule to be offered the customer and the form that the payment schedule should take.