

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN
STATE OF CALIFORNIA

R-20-119

RESOLUTION TO ADOPT AN AMENDED AND RESTATED RESOLUTION REGARDING
WATER SYSTEM BILLING AND OPERATIONAL PROCEDURES FOR METERED
CUSTOMERS IN COUNTY-ADMINISTERED SPECIAL DISTRICTS

WHEREAS, San Joaquin County (County) operates domestic water systems in which some customers are metered; and,

WHEREAS, San Joaquin County adopted Resolutions R-96-373 and R-99-158 regarding water system billing, procedures for disputing bills and disconnection of service; and,

WHEREAS, on September 28, 2018 Senate Bill 998, "the Water Shutoff Protection Act" (SB 998), was signed into law amending the California Health and Safety Code Section 116900 to introduce new procedural requirements for discontinuing residential water service for non-payment in water systems having more than 200 connections; and,

WHEREAS, SB 998 requires the County Public Works Department (Department) to have a written water service discontinuation policy that included a plan for (i) deferred/reduces payments or alternative payment schedules for certain disadvantaged customers, (ii) a formal mechanism for customer to contest or appeal a bill, and (iii) contact information for customers to discuss options to avoid discontinuation of water service, and,

WHEREAS, SB 998 also provides that water service may only be discontinued after an account is delinquent for at least 60 days and notice had been provided, including a copy of the water service discontinuation policy in prescribed languages, to the customer and/or occupant of the residence.

NOW, THEREFORE, BE IT RESOLVED that in order to implement needed updates and incorporate SB 998 requirements, this Board of Supervisors hereby amends and restates Resolutions R-96-373 and R-99-158 to read as follows:

RULES AND REGULATIONS REGARDING WATER SYSTEM BILLING AND OPERATIONAL PROCEDURES FOR METERED CUSTOMERS IN COUNTY-ADMINISTERED SPECIAL DISTRICTS

As used hereinafter, the term "Department" refers to the San Joaquin County Department of Public Works; the term "Director" refers to the Director of the County Department of Public Works or his designee; and the term "District" refers to a Maintenance District or County Service Area.

Application

Each person requiring metered water service from the District must make application on a form provided by the Department. Such application shall be signed by the applicant.

Appointments Required

The Department will connect, reconnect, restore or discontinue water service as requested by the customer only during regular County working hours. The customer must arrange for an appointment with the Department at least 24 hours in advance to connect, reconnect, restore or discontinue water service. Such appointments may be made other than regular County working hours if the customer agrees, in writing, to pay the actual costs of providing the requested service.

Billing

The regular billing period may be monthly or quarterly, as designated in the annual engineer's report. Payments are due and payable upon presentation and become delinquent after 30 calendar days from the statement date.

Billing Address Requirements

It shall be the applicant's responsibility to supply the Department with his or her current mailing address or the address to which the bills are to be mailed. Failure to comply shall not relieve the applicant of responsibility for prompt payment.

Payment of Bills

Bills are due and payable upon presentation. Payment may be made by check or money order made payable to the County of San Joaquin and mailed to the County Department of Public Works at 1810 East Hazelton Avenue, Stockton, California 95205.

Payments may be made in person at the Department by cash, check, e-check or credit card, during regular Department working hours. The Department reserves the right to establish authorized pay stations and to designate authorized collectors for the payment of said bills. Payments may also be made online by e-check or credit card, if available, at the website noted on the bill.

Dispute of a Bill

A customer may dispute a bill up to 30 calendar days after the first billing date. A customer who disputes a bill may request an investigation for review of the bill by the Department's designated review officer. The review shall include consideration of whether the customer is being overcharged or charged for services not rendered or whether the customer may be permitted to amortize the unpaid balance of customers account over a reasonable period of time.

Any bill dispute must be submitted in writing, either mail or email, to the Department and shall state the issue(s) in dispute and contain specific information to justify review of the issue(s) in dispute.

The Department shall complete the dispute review within 25 days of receiving the dispute in writing and communicate its determination by mail or email to the disputing customer. The Department's determination shall be final.

The Department shall not send a 10-Day Notice of Discontinuance of Service during the Departmental review period, nor shall any discontinuance of service be made for any customer complying with an amortization payment agreement.

Meter Tests - Deposit

If a customer desires to have a meter serving his premises tested, they shall first deposit with the Department the required fee per the current Board-adopted fee schedule. Should the meter register more than two percent fast, the deposit will be refunded, but should the meter register less than two percent fast, the deposit will be retained by the Department.

Adjustments for Meter Errors - Fast Meters

If a meter, after testing by the Department, is found to be more than two percent fast, the excess charges for the time service was rendered the customer requesting the test, or for a period of six months, whichever shall be the lesser, shall be refunded to the customer.

Adjustments for Meter Errors - Slow Meters

If a meter, after testing by the Department, is found to be more than 25 percent slow, the County may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six months, that the meter was in use.

Provisions that Apply to Districts with Less than 200 Connections and Commercial Customers:

Effect of Failure to Pay a Bill

The Department may discontinue service for failure to pay a bill. Any service bill that is not fully paid within, 30 calendar days from the date of billing is considered delinquent, per the Billing Section of this Resolution. A 10 percent late charge shall be added to delinquent billing amounts. Customers who are delinquent more than 90 calendar days are subject to discontinuance of service. Water service may also be discontinued for failure to comply with the provisions of a dispute review determination or an amortization payment agreement, if any. However, such discontinuance of service shall not be made in less than 10 days after mailing of a written notice by certified mail to the customer.

If water service has been discontinued because of failure to pay a bill, or other reason caused by the customer, the service shall not be restored until the amount of all unpaid bills, including any late charges, together with a reconnection charge per the current Board-adopted fee schedule, is paid in full. Reconnection of service is by appointment only, subject to the conditions previously mentioned.

Provisions that Apply to Residential Customers in Districts with Over 200 Connections:

Policy for Discontinuation of Residential Water Service for Nonpayment

REFERENCE

This policy is established to comply with the California Health and Safety Code, Division 104, Part 12, Chapter 6, "Discontinuation of Residential Water Service."

PURPOSE

The purpose of this policy is to define the conditions and procedures for discontinuing residential water service due to a customer's nonpayment of water charges, including how customers and/or occupants are notified of this policy, how they may obtain a payment arrangement or alternative payment schedule, how they may contest or appeal water charges, and how they may restore service after it has been discontinued for nonpayment. This policy

will apply to residential accounts in special districts with more than 200 service connections. For commercial accounts, or in districts with fewer than 200 connections, refer to other sections of the resolution.

POLICY

Residential water service may be discontinued for nonpayment under the following conditions:

1. Water charges are delinquent for at least 60 days; and,
2. The customer and/or occupants have been notified of this policy in writing at least seven business days before discontinuation of service; and,
3. The customer has failed to make an alternative payment arrangement or schedule with the Department's Fiscal Division (Fiscal Division), located at 1810 East Hazelton Avenue, Stockton, California 95205 (facsimile: (209) 953-5599; email: Water.PublicWorks@sjgov.org).

Notification

The Department shall provide written notification to an customer and/or occupant of the delinquent charges at least seven business days before discontinuation of residential service for nonpayment. Written notification shall be delivered either by U.S. mail, or by personal delivery. For those customers who receive a paper utility bill, notice will be sent to the customer's postal address and the service address, if the two addresses are different. When U.S. mail is not possible, or the notice is returned as undeliverable and the Department is unable to reach the customer by telephone, personal delivery will be to the service address, and the notice will be left in a conspicuous place or wherever field personnel can safely post the notice.

Where the County provides water services to a master meter that contains individual residences, the Department must provide renters and mobile home residents with written notice prior to discontinuation of service due to nonpayment by their landlord.

Alternative Payment Arrangements

The Department shall offer an alternative payment arrangement or schedule if an customer submits the following information by the date indicated on the notice:

1. Certification of primary care provider 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.
2. Documents demonstrating financial hardship

The customer shall submit this information to the Fiscal Division, located at 1810 East Hazelton Avenue, Stockton, California 95205; or via facsimile at (209) 953-5599; or via email at Water.PublicWorks@sjgov.org. Upon receipt and verification of the information provided, the Fiscal Division will contact the customer within 15 business days and offer to enter into a payment arrangement in writing. Alternative payment arrangements or schedules may only be made between the Department and the customer. Once agreed upon, a payment arrangement or alternative payment schedule may not be extended or modified.

Residential service may be discontinued no sooner than five business days after the Department posts a final notice of intent to disconnect service in a prominent and conspicuous

location at the property under either of the following circumstances:

- a. The customer fails to comply with the conditions of an alternative payment arrangement or schedule for 60 days or more.
- b. If the customer is undertaking an alternative payment or schedule and is delinquent on current water charges for 60 days or more.

Contesting or Appealing Water Charges

An customer may contest or appeal the accuracy of the charges or the customer's liability for payment. Water charges may be contested or appealed by filing a written request with the Fiscal Division, located at 1810 East Hazelton Avenue, Stockton, California, 95205. Water service shall not be discontinued while an appeal is pending.

Service Reconnection

Water service may be restored by contacting the Fiscal Division at (209) 468-3009. Once conditions for service reconnection have been satisfied (either the account has been made current, or the customer has entered into an agreement for an alternative payment), and the reconnection charge, in the amount which is the lesser of the current Board adopted fee schedule or the maximum allowed by State law, is paid in full, service will be restored within one business day.

Contact Information

Customers may contact the Fiscal Division during regular business hours at (209) 468-3009 to discuss this policy, as well as options to avoid discontinuation of residential service for nonpayment. Customers may also email questions to Water.PublicWorks@sjgov.org.

BE IT FURTHER RESOLVED that this Amendment shall become effective immediately following its adoption and that the Director of Public Works is hereby authorized to make non-substantive amendments to this policy and post the revised policy on the County's website.

PASSED AND ADOPTED July 7, 2020 , by the following vote of the Board of Supervisors, to wit:

AYES: **Villapudua, Patti, Winn, Elliott, Miller**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

Katherine M. Miller

KATHERINE M. MILLER
Chair, Board of Supervisors
County of San Joaquin,
State of California

ATTEST: RACHÉL DeBORD
Clerk of the Board of Supervisors
County of San Joaquin,
State of California

Rachél DeBord

