

RESOLUTION NO. 20-1

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE PALMDALE WATER DISTRICT AMENDING THE PALMDALE WATER DISTRICT RULES AND REGULATIONS AS THEY RELATE TO DELINQUENT BILLS AND THE DISCONTINUATION OF WATER SERVICES INCORPORATING THE PROVISIONS SET FORTH IN THE WATER SHUTOFF PROTECTION ACT (SENATE BILL 998)

WHEREAS, pursuant to Water Code Division 11, the Palmdale Water District (“District”) is authorized to establish rules and regulations governing the District’s operations, accordingly, the District adopted the Palmdale Water District’s Rules and Regulations (“Rules and Regulations”); and

WHEREAS, on September 28, 2018, Senate Bill 998 was approved by California State Governor, requiring water systems that supply water to more than 200 service connections to have a written policy on discontinuation of water service for nonpayment; and

WHEREAS, among its requirements, Senate Bill 998 requires the District to:

- Maintain a written policy with (1) a plan for deferred or reduced payments; (2) alternative payment schedules for customers; (3) a formal mechanism for a customer to contest or appeal a bill; and (4) a telephone number for a customer to discuss options for averting the discontinuation of residential water services.
- Not discontinue water services until customers have been delinquent for at least sixty days.
- Provide a written notice to the customers of their delinquent payment and impending discontinuation containing specific information.
- Not discontinue water services for customers who meet certain medical, financial, and alternative payment conditions.
- Limit the reconnection fee imposed on low income customers.
- Waive interests for low income customers once every twelve months.
- Report the number of annual disconnections of water services on its website and to the State Water Resources Control Board.
- Provide all notices in English, Chinese, Spanish, Tagalog, Vietnamese, Korean, and any other language spoken by at least 10% of the people residing in the service area.

WHEREAS, the District is subject to the requirements of Senate Bill 998 and must comply with its requirements by February 1, 2020; and

WHEREAS, the District's Rules and Regulations do not comply with the requirements of newly enacted Senate Bill 998; and

WHEREAS, the District would like consolidate the requirements of Senate Bill 998 in a single document through the adoption of an appendix to the District's Rules and Regulations and amending Sections 8.03(C), 8.04(E), 8.04(G), 8.04(H), 8.04(J), 8.05(B), of the District's Rules and Regulations to make reference to such appendix.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Palmdale Water District as follows:

Section 1. The above recitals are all true and correct and here hereby adopted as findings.

Section 2. The Board of Directors hereby amends Section 8.03(C), Miscellaneous Charges, of the Palmdale Water District Rules and Regulations to read, in its entirety, as follows:

"C. Miscellaneous Charges: In order to recover the cost associated with afterhours service calls, late payments, disconnections, reconnections and other damages sustained by the District, the specified items listed below are charged to Consumers; the dollar amounts associated with each item are determined by the Board and are attached hereto as Appendix D.

1. Non-Payment Shutoff Fee

If a Consumer requests resumption or continuance of service after such service has been disconnected, then the non-payment which led to the disconnection shall be deemed to be evidence of non-credit worthiness and the Consumer shall be required to make a security deposit, pay a Non-Payment Shutoff Fee, unpaid user and late charges, advance payments required by these Rules and Regulations, and meet any other conditions set forth by the District.

2. Meter Test Charge

The District shall endeavor to keep the meters in good condition and registering accurately. Any Consumer may request that his meter be examined and tested to see if it is correctly recording water delivered through it. Said request shall be made on a form furnished by the District and shall be signed by the Consumer. If such examination and test reveals

that quantities of water recorded by the meter fall outside of a range between 97 percent and 103 percent of the actual quantities of water passed through the meter during the test, the cost of such test shall be paid by the District. If the meter is found to be registering within three (3) percent accuracy, the cost of such test, as set forth in Appendix D, shall be paid by the Consumer to the District on demand. All other tests and examinations of meters shall be at the District's expense.

3. Pulled Meter Charge

If a Consumer's service has been disconnected and the meter has been "pulled" or removed from the premises, then the Consumer shall pay at the District office a pulled meter charge, as set forth in Appendix D, along with any other charges before the service and meter can be reconnected.

4. Unauthorized Water Use

Any person or entity found taking water from or through any of the District's facilities without District authorization will be assessed a fine payable to the District, as set forth in Appendix D, in addition to applicable District charges for the quantity of water taken. Written notice of the assessment of such fine shall be given by personal service or by registered or certified mail.

5. Charge for Turn Off at Main

If the water to a property is turned on more than once without District authorization, the service may be shut off at the main, and the Consumer shall be required to pay, in addition to any other applicable charges, a charge for the expense of reconnection prior to the re-establishment of service.

6. Property Damage

If a Consumer, new applicant or developer is found to be responsible for any damage done to District property, such damages shall be reimbursed to the District at cost plus administrative overhead. If responsibility for damage is not known, charges will be made to the current Consumer or property owner.

a. Consumers who operate the District owned angle stop in order to stop leaks or flooding at their property and damage the angle stop in the process, the District will review the service location to determine the last time the

angle stop was replaced. If the angle stop replacement was over 5 years ago, the District will assess the charge on the consumers account, but waive the charge as a courtesy. The consumer must also agree in writing to install or have installed at their own expense an isolation valve on their side of the service.

7. Cleaning and Walk-Thru Water Service

Temporary service will be provided to an existing water service for a maximum of five working days to facilitate cleaning and showing of property for sale or rent. This service is not to be used for maintenance requiring high volumes of water. Allowed usage of water is five (5) units of water or less. Any water usage in excess of five (5) units will be charged at the District rates and billed directly to the user. Charges are as listed in Appendix D.

8. Turn-on/off Fee

If a customer requests that a service be turned on after paying all applicable fees and charges as described herein and a Palmdale Water District representative turns the water service on, and water is found to be running, the customer shall then be required to pay a Turn-on/off Fee as set forth in Appendix D.

9. 48-Hour Disconnect Notice Fee

When a 48-Hour Disconnect Notice has been issued by the District as set forth in Appendix GG, the customer shall be required to pay a 48-Hour Disconnect Notice Fee as set forth in Appendix D.”

Section 3. The Board of Directors hereby amends Section 8.04(E), Rendering and Payment of Bills, of the Palmdale Water District Rules and Regulations to read, in its entirety, as follows:

“E. **Rendering and Payment of Bills:** Bills for service will be rendered on a monthly basis unless otherwise provided in the rate schedules (Appendix C). Bills for service are due and payable as set forth in Appendix GG. In the event that the bill is not paid within that time, the Consumer will be assessed a late charge as set forth in Appendix D. Payment may be made at the office of the District or to any representative of the District authorized to make collections. However, it is the Consumer's responsibility to assure that payments are received at the District's office in a timely manner. Partial payments are not authorized unless prior approval

has been received from the District's office. Collection of closing bills may be made at the time of presentation.”

Section 4. The Board of Directors hereby amends Section 8.04(G), Delinquent Bills, of the Palmdale Water District Rules and Regulations to read, in its entirety, as follows:

“**G. Delinquent Bills:** Consumer bills are subject to the billing and delinquent rules and regulations set forth in Appendix GG.”

Section 5. The Board of Directors hereby amends Section 8.04(H), Disputed Bills, of the Palmdale Water District Rules and Regulations to read, in its entirety, as follows:

“**H. Disputed Bills:** The procedure to be used to context the accuracy of water charges upon receipt of a bill for water service is set forth in Appendix GG.”

Section 6. The Board of Directors hereby amends Section 8.04(J), Amortization of Unpaid Balance, of the Palmdale Water District Rules and Regulations to read, in its entirety, as follows:

“**J. Alternative Payment Arrangement.** Consumer may be eligible for an alternative payment arrangement pursuant to the rules and regulations set forth in Appendix GG.”

Section 7. The Board of Directors hereby amends Section 8.05(B), Turn-off by the District, of the Palmdale Water District Rules and Regulations to read, in its entirety, as follows:

“**B. Turn-off by the District:** The District may disconnect a Consumer's service for various reasons which are listed below. Such involuntary disconnections are effected by turning off and locking the meter, thereby stopping the water service; the District will make a reasonable attempt to notify the Consumer of the disconnection. Reasons for involuntary disconnection include, but are not limited to, the following:

1. For Non-Payment of Bills

A service may be disconnected for non-payment of periodic bills as set forth as set forth in Appendix GG. A service may be disconnected for non-payment of bills of a Consumer whether or not the payment delinquency is associated with water service at that service connection or at any other water service connection of that same Consumer.

2. For Waste of Water

In order to protect itself and its Consumers against willful or negligent waste or misuse of water, the District has adopted a policy regarding water waste as well as Resolutions declaring water conservation regulations which includes regulations and restrictions on the delivery and consumption of water for public use. Said Water Waste Policy and Resolutions are attached hereto as Appendix O.

3. For Unsafe or Hazardous Conditions

The District may disconnect a service without notice if unsafe or hazardous conditions are found to exist on the Consumer's premises. The District will immediately notify the Consumer of the reasons and the necessary corrections required before reconnection. Such unsafe or hazardous conditions may exist due to defective appliances or equipment that may be detrimental to either the Consumer, the District, or to the District's other Consumers.

4. For Fraudulent Use of Service

When the District discovers that a Consumer has obtained service by fraudulent means, or has diverted the water service for unauthorized use, the service to that Consumer may be discontinued without notice. The District will not restore service to such Consumer until that Consumer has complied with the District's Rules and Regulations and other reasonable requirements of the District and the District has been reimbursed for the full amount of the service rendered and the actual cost to the District incurred by reason of the fraudulent use.

5. For Failure to Comply with Rules

The District may disconnect a service for failure to comply with the District's Rules and Regulations established as a condition to the use of water, if full compliance with the Rules and Regulations is not obtained within five calendar days after notice to such effect has been given to the Consumer. Where safety of water supply is endangered, services may be discontinued immediately without notice."

Section 8. The Board of Directors hereby approves, adopts and adds “Appendix GG” to the Palmdale Water District Rules and Regulations, as set forth in “Exhibit A” to the this Resolution, a written policy in compliance with Senate Bill 998.

Section 9. Upon the effective date of this Resolution, adopted herein, the Resolution shall supersede any and all prior resolutions adopted that are in conflict with this Resolution.

Section 10. If any provision in this Resolution, or the application thereof to any person or circumstances, is for any reason held invalid, the validity of the remainder of this Resolution, or the application of such provisions to other persons or circumstances shall not be affected thereby. The Board of Directors hereby declares that it would have passed this Resolution, and each provision thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

Section 11. This Resolution shall become effective upon the date of adoption as set forth herein.

PASSED, APPROVED, AND ADOPTED on this 13th day of January, 2020 by the Board of Directors of the Palmdale Water District.

PALMDALE WATER DISTRICT




VINCENT DINO, President

ATTEST



DON WILSON, Secretary

APPROVED AS TO FORM:

By: 

ERIC DUNN, General Counsel