

ITEM #5.A

Approval of Warrants and Payroll

**Del Paso Manor Water District
VENDORS PAID / APPROVED - JUNE 2023**

VENDORS NAME	DESCRIPTION	CIP	AMOUNT	CHECK #
ACWA JPIA	Health		\$477.04	10686
ADP	Payroll		\$21,713.41	EFT
ADP Taxes	Payroll Taxes		\$10,855.91	EFT
Appletree Answers	Answering service		\$496.39	CC
AT&T	Internet; Phone/Fax		\$85.60	CC
AT&T	Phone		\$343.35	CC
AT&T	Phone		\$211.17	CC
AT&T Mobility	Cell Phones; iPads		\$426.04	CC
Bartle Wells Associates	Services Rendered Thru April 2023		\$8,249.00	10673
BSK	Labs		\$536.50	10687
CalPers	Employee Contribution - Pepra		\$3,614.43	EFT
CalPers	Health		\$10,495.91	EFT
CalPers	Unfunded Liability - Classic		\$6,243.83	EFT
CalPers	Unfunded Liability - Pepra		\$12.25	EFT
Carl Dolk	ACWA Monterey Conference Reimbursement		\$401.00	10688
DEX.YP	Yellow Pages		\$15.50	CC
Emigh Hardware	Material/Supplies		\$578.37	10689
First Foundation Bank	Loan Payment		\$253,638.75	10690
Forsgren Associates, Inc.	Services Rendered Thru 04/25/2023 (Well 9 Engineering)		\$3,681.25	10674
Forsgren Associates, Inc.	Services Rendered Thru 04/25/2023 (District Planning Support)		\$5,208.75	10674
Forsgren Associates, Inc.	Services Rendered Thru 04/25/2023 (Well 2 Engineering)		\$5,322.50	10674
Forsgren Associates, Inc.	Services Rendered Thru 04/25/2023 (On-Call Services 2023)		\$3,933.75	10674
Gemini Group	2022 Consumer Confidence Report (CCR)		\$3,113.00	10675
Iconix Waterworks	Hydrant Cap (4268 Stock)		\$615.53	10676
Kronick, Moskovitz, Tiedemann & Girard	Services Rendered Through April 2023		\$30,274.76	10677
Jorgensen Company	Annual Maintenance for Fire Extinguishers		\$604.50	10691
Leaf	Photocopy Machine Lease		\$172.92	10692
Legacy Cleaning Services	Maryal office		\$160.00	CC
Mike Jenner	Reimbursement for Purchase of Work Boots		\$250.00	10693
PG&E	Gas		\$8.04	EFT
Regional Government Services (RGS)	April 2023 Clerk Services		\$1,170.00	10678
Robert Matteoli	ACWA Monterey Conference Reimbursement		\$1,256.02	10679
Renne Public Law Group (RPPG)	May 2023 Monthly Retainer		\$3,000.00	10694

**Del Paso Manor Water District
VENDORS PAID / APPROVED - JUNE 2023**

Robert Merritt	CPA - Services Rendered Through May 2023		\$1,947.50	10695
Sacramento County Utilities	Utilities		\$218.54	EFT
Sacramento Suburban Water District (SSWD)	Intertie #1 (Marconi)		\$40,979.38	10697
Sacramento Suburban Water District (SSWD)	Intertie #2 (Eastern)		\$57,599.55	10697
Sacramento Suburban Water District (SSWD)	Intertie #3 (Watt/Maryal)		\$55,810.39	10697
Sacramento Suburban Water District (SSWD)	February 2023 Mutual Aid Agreement		\$2,387.08	10680
Sacramento Suburban Water District (SSWD)	March 2023 Mutual Aid Agreement		\$2,552.68	10680
Sacramento Suburban Water District (SSWD)	April 2023 Mutual Aid Agreement		\$703.00	10680
Sacramento Suburban Water District (SSWD)	May 2023 Mutual Aid Agreement		\$621.00	10696
Sierra Chemical Company	Chemicals		\$315.00	10681
Sierra Chemical Company	Chemicals		\$462.00	10698
Sierra Chemical Company	Chemicals		\$630.00	10698
Smud	Account# 7000000179		\$6,076.25	10682
Streamline	Website		\$200.00	CC
TAK Communications CA, Inc,	1836 Maryal Drive		\$1,195.00	10699
TAK Communications CA, Inc,	2551 Catalina Drive		\$3,803.10	10699
Terrapin Technology Group	Software / Computers		\$167.05	10700
Uinta Holdings, LLC	July 2023 Rent		\$2,750.00	10701
Umpqua Bank	District Credit Card		\$2,288.87	10683
USA BlueBook	Well Parts		\$299.60	10684
USA BlueBook	Well Parts (Well 9)		\$1,428.20	10684
VOYA	May 2023 Emp. Contribution		\$400.00	10685
Wex Bank	Gas		\$562.38	EFT
Wizix Technology Group, Inc.	Photocopy Machine (Toner)		\$14.50	CC
Wizix Technology Group, Inc.	Photocopy Machine		\$153.29	CC
MONTHLY TOTAL----->			\$0.00	\$560,729.83

Approved at 06/05/2023 Regular Meeting

Approved at 06/19/2023 Regular Meeting

TOTAL CHECKS ISSUED: 29

PAID VIA CREDIT CARD (CC): 21

PAID VIA ELECTRONIC FUNDS TRANSFER (EFT): 9

*** DISTRICT FILES INCLUDES INVOICES BEHIND CREDIT CARD BILL WHICH ARE AVAILABLE FOR REVIEW AT THE DISTRICT OFFICE**

**Del Paso Manor Water District
VENDORS PAID / APPROVED - JUNE 2023**

UMPQA DISTRICT CREDIT CARD - PAID JUNE 2023			
VENDORS NAME	DESCRIPTION	AMOUNT	PAID DATE
Amazon	Office Supplies	\$157.90	6/1/2023
Amazon	Office Supplies	\$141.16	6/1/2023
Amazon	Office Supplies	\$93.35	6/2/2023
Amazon	Office Supplies	\$28.00	6/2/2023
Zoom	Cloud Recording	40.00	6/4/2023
Legacy Cleaning Services	Maryal office	160.00	6/6/2023
Streamline	Website	200.00	6/6/2023
Wizix Technology Group, Inc.	Photocopy Machine (Toner)	14.50	6/6/2023
Wizix Technology Group, Inc.	Photocopy Machine	153.29	6/6/2023
Appletree Answers	Answering service	\$496.39	6/6/2023
Jiffy Lube	Fleet	\$76.62	6/7/2023
DEX.YP	Yellow Pages	15.50	6/8/2023
AT&T	Internet; Phone/Fax	\$85.60	6/20/2023
AT&T	Phone	\$343.35	6/20/2023
AT&T	Phone	\$211.17	6/20/2023
AT&T Mobility	Cell Phones; iPads	\$426.04	6/20/2023
Amazon	Office Supplies	\$38.76	6/20/2023
Amazon	Office Supplies	\$15.06	6/20/2023
USPS	Mail loan payment	28.75	6/21/2023
Amazon	Office Supplies	\$41.01	6/28/2023
Amazon	Office Supplies	\$30.33	6/28/2023

2,796.78

**Del Paso Manor Water District
JULY 2023 VENDORS FOR APPROVAL**

VENDORS NAME	DESCRIPTION	CIP	AMOUNT	CHECK #
ACWA JPIA	Health		\$10,495.91	
ADP	Payroll			
ADP Taxes	Payroll Taxes			
Aqua Sierra Controls, Inc.	Well 6B		\$2,538.60	
AT&T	Lusk Office		\$463.35	
CalPers	Employee Contribution - Pepra		\$3,614.43	
CalPers	Health		\$1,495.91	
CalPers	Unfunded Liability - Classic		\$5,958.92	
DEX.YP	Yellow Pages		\$15.50	
Governance Scientific Group, Inc.	Flashvote Survey		\$7,900.00	
Forsgren Associates, Inc.	Services Rendered Thru 05/25/2023 (On-Call Services)		\$1,323.75	
Forsgren Associates, Inc.	Services Rendered Thru 05/25/2023 (Well 9 Engineering)		\$14,659.25	
Forsgren Associates, Inc.	Services Rendered Thru 05/25/2023 (Prop 218 Support)		\$1,812.50	
Forsgren Associates, Inc.	Services Rendered Thru 05/25/2023 (Well 2 Engineering)		\$11,924.25	
Kronick, Moskovitz, Tiedemann & Girard	Services Rendered Through May 2023		\$34,298.26	
Kronick, Moskovitz, Tiedemann & Girard	Services Rendered Through June 2023		\$22,130.84	
Legacy Cleaning Services	Maryal office		\$160.00	
Mailrite Print and Mail Inc.	Flat Rate Billing (May/June 2023)		\$1,916.36	
Munibilling	Billing System (Q3)		\$1,926.00	
PG&E	Gas		\$8.05	
Regional Government Services (RGS)	May 2023 Clerk Services		\$1,170.00	
Sierra Chemical Company	Chemicals		\$462.00	
Smud	Account# 7000000179		\$9,881.84	
Streamline	Website		\$200.00	
TAK Communications, CA, Inc.	4128 El Camino		\$37,208.00	
Tripepi Smith and Associates, Inc.	Ballot Measure Outreach Services (Milestone 2)		\$10,947.00	
Tripepi Smith and Associates, Inc.	General Account Support (Flashvote)		\$306.25	
Tony's Backflow Services	Backflow device Testing		\$305.69	
Uinta Holdings, LLC	August 2023 Rent		\$2,750.00	
Umpqua Bank	District Credit Card		\$2,796.78	
USA Bluebook	Well Part (Well 9)		\$82.04	
VOYA	June 2023 Employee Contribution		\$400.00	
Wex Bank	Gas		\$546.80	
Wizix Technology Group, Inc.	Photocopy Machine		\$97.45	
MONTHLY TOTAL----->			\$0.00	\$189,795.73

**Del Paso Manor Water District
BOD Compensation Expense Summary
JUNE 2023**

JUNE 2023 MEETINGS		DOLK	MATTEOLI	PRATT	ROSS	SAUNDERS
	Board Meetings					
6/5/2023	DPMWD - Regular Board Meeting	1	1	1	1	1
	DPMWD - Special Board Meeting					
	DPMWD - Emergency Board Meeting					
	ADHOC Committee Meetings					
	Budget Planning Committee (<i>Dolk/Saunders</i>)					
	SSWD / DPMWD 2X2 Committee					
	General Manager Recruitment Committee (<i>Matteoli / Ross</i>)					
5/4/2023, 6/14/2023	Financial Institution Research Committee (<i>Dolk / Ross</i>)				2	
	SSWD / DPMWD 2X2 Committee					
6/16/2023	Well 7 Committee (<i>Matteoli / Saunders</i>)		1			1
	Other Meetings					
	American Water Works Association (AWWA) (<i>Dolk</i>)					
	Association of California Water Agencies (ACWA) (<i>Dolk</i>)					
	Association of California Water Agencies (ACWA) Agriculture (<i>Matteoli</i>)					
	Association of California Water Agencies (ACWA) Groundwater (<i>Matteoli</i>)					
	California Rural Water Authority (CRWA) (<i>Ross</i>)					
	California Special Districts Association (CSDA) (<i>Ross</i>)					
	Ethics Training (AB1234)					
	Joint Powers Insurance (JPIA) (<i>Saunders</i>)					
06/05, 06/19, 06/22, 06/26 2023	Legal Council Meeting					4
	Regional Water Authority (RWA) (<i>Pratt</i>)					
	Sacramento Groundwater Authority (SGA) (<i>Matteoli / Pratt</i>)					
	Sacramento Suburban Water District (SSWD)					
	Sexual Harassment Prevention Training (AB1825)					
	Water Forum (<i>Pratt</i>)					
	June Monthly Meeting Totals					
	TOTAL MEETINGS	1	2	1	3	6
	TOTAL COMPENSATED MEETINGS	1	2	1	3	3
	TOTAL COMPENSATION	\$100	\$200	\$100	\$300	\$300

ITEM #8.A

Budget to Actuals

Del Paso Manor Water District
Expense Budget To Actual Comparison
July 1, 2022 to May 31, 2023

Notes

	Year to Date July 1, 2022 to May 31, 2023	Budget	Percent of Budget
Employee Related			
Management Salaries	202,183	146,610	137.91%
Staff Salaries	188,273	285,285	65.99%
Director Fees	14,900	30,000	49.67%
Payroll Taxes	31,010	38,000	81.61%
Staff Bonuses	-	15,525	0.00%
PERS Retirement	98,873	100,500	98.38%
Health	77,787	80,000	97.23%
Retiree Health Benefits & OPEB	65,974	120,000	54.98%
Total Employee Related	679,000	815,920	83.22%
Administration			
Insurance	49,008	47,000	104.27%
Office Expense	77,742	82,300	94.46%
Building Maintenance	628	2,000	31.40%
Audit Fees	-	12,000	0.00%
Legal Fees	279,260	236,000	118.33%
Election Related	1,887	3,000	62.90%
Miscellaneous	1,060	5,000	21.20%
Professional Administration Fees	169,386	106,700	158.75%
Bank Charges	2,199	2,000	109.95%
Professional Dues	45,985	57,600	79.84%
Professional Meetings	-	10,000	0.00%
Cert/Continuing Education	1,638	6,000	27.30%
Total Administration	628,793	569,600	110.39%
Operations			
Power	80,562	123,000	65.50%
Conservation	6,397	-	N/A
Repairs & Maintenance	124,797	268,000	46.57%
Lab Fees	7,102	6,000	118.37%
Backflow Program	1,278	2,000	63.90%
Engineering	294,136	80,000	367.67%
City Water	3,231	6,000	53.85%
Total Operating	517,503	485,000	106.70%
Total Employee Related, Administration and Operating Expenses	1,825,296	1,870,520	97.58%
C.I.P.			
New Pipeline	129,976	350,000	37.14%
New Well/Well Additions/Generators	20,651	1,300,000	1.59%
Interest Expense & Principal Debt Payment	71,076	325,000	21.87%
Total C.I.P.	221,703	1,975,000	11.23%
Total water sales through May 2023	1,345,986		
Planned system maintenance charges through May 2023	584,559		

A 2022 Chevrolet 2500 truck was purchased in September 2022 for \$76,093

Fencing at well 6B was installed in December 2022 for \$14,835

Board room audio and visual equipment was installed in January 2023 for \$17,518

Amounts above are not audited

July 1, 2022 to

	May 31, 2023	Budget	Percentage of Budget
Employee Related			
5102.10 · Management salaries	202,183.00	146,610.00	137.91%
5102.15 · Field salaries	140,085.00	215,162.00	65.11%
5102.20 · Office manager salary	48,188.00	70,123.00	68.72%
5102.05 · Director fees	14,900.00	30,000.00	49.67%
5102.30 · Payroll soc sec	25,132.00	29,000.00	86.66%
5102.35 · Payroll medc	5,878.00	9,000.00	65.31%
5102.40 · Staff bonuses	0.00	15,525.00	0.00%
6451.00 · PERS/retirement	98,873.00	100,500.00	98.38%
6501.00 · Employee healthcare (CalPers)	77,787.00	80,000.00	97.23%
6502.00 · Retiree health benefits	65,974.00	70,000.00	94.25%
6441.00 · OPEB	0.00	50,000.00	0.00%
Administration			
5251.00 · Insurance			
5251.05 · Liability	33,750.00	28,500.00	118.42%
5251.10 · Property	3,915.00	3,500.00	111.86%
5251.15 Workers Compensation	11,343.00	15,000.00	75.62%
6151.00 · Office expense			
6151.05 · District office lease	30,120.00	33,000.00	91.27%
6151.10 · Phone service	4,419.00	4,300.00	102.77%
6151.15 · Internet provider	4,132.00	5,500.00	75.13%
6151.20 · Sewer & garbage (Lusk)	1,867.00	1,500.00	124.47%
6151.21 · Miscellaneous (office other)	4,102.00	0.00	N/A
6151.25 · Postage	13,692.00	12,000.00	114.10%
6151.30 · Printing	0.00	1,000.00	0.00%
6151.35 · Computers & supplies	4,121.00	3,500.00	117.74%
6151.40 · Office supplies	5,221.00	7,500.00	69.61%
6151.45 · Answering service	5,762.00	5,500.00	104.76%
6151.50 · Office furniture	0.00	2,000.00	0.00%
6151.55 · Payroll preparation	1,710.00	2,000.00	85.50%
6151.60 · GASB 75 valuation	675.00	2,000.00	33.75%
6151.70 · Janitorial	1,920.00	2,500.00	76.80%
6152.00 · Building maintenance	628.00	2,000.00	31.40%
6251.00 · Audit	0.00	12,000.00	0.00%
6255.00 Election related	1,887.00	3,000.00	62.90%
6301.00 · Legal	279,260.00	236,000.00	118.33%
6401.00 · Misc	1,060.00	5,000.00	21.20%
5121.00 Conservation	6,397.00	0.00	N/A
6601.00 · Professional Admin fees			
6601.05 · SWRCB annual fees	14,740.00	16,000.00	92.13%
6601.10 · NDPES permit	0.00	1,500.00	0.00%
6601.15 · Cal Pers actuarial reports	700.00	700.00	100.00%

6601.25 · Air Quality permits	2,389.00	5,000.00	47.78%
6601.30 · Encroachment permits	0.00	500.00	0.00%
6601.35 · CPA fees	16,865.00	18,000.00	93.69%
6601.00 · Professional admin fees - other	109,230.00	25,000.00	436.92%
6601.50 · Public relations	15,461.00	30,000.00	51.54%
6601.55 · Salary and staffing level study	10,000.00	10,000.00	100.00%
6171.00 · Bank fees	2,199.00	2,000.00	109.95%
6561.00 · Professional dues			
6561.05 · ACWA	9,735.00	11,000.00	88.50%
6561.10 · AWWA	480.00	700.00	68.57%
6561.15 · CSDA	7,901.00	8,000.00	98.76%
6561.20 · CRWA	864.00	1,000.00	86.40%
6561.25 · RWA	4,106.00	9,700.00	42.33%
6561.30 · SGA	21,187.00	25,000.00	84.75%
6561.35 · SAWWA	0.00	1,000.00	0.00%
6561.00 · Professional dues - other	1,712.00	1,200.00	142.67%
6551.00 · Professional meetings	0.00	10,000.00	0.00%
6610.00 Certification/continuing education	1,638.00	6,000.00	27.30%

Operations

5151.00 · Power			
5151.05 · PG&E	345.00	3,000.00	11.50%
5151.10 · SMUD	80,218.00	120,000.00	66.85%
5201.00 · R & M			
5201.05 · Leak repairs	55,674.00	104,000.00	53.53%
5201.10 Field Equipment	547.00	2,000.00	27.35%
5201.15 · Field supplies	18,150.00	35,000.00	51.86%
5201.20 · Fuel for vehicles	3,934.00	9,000.00	43.71%
5201.25 Vehicle repair and maintenance	1,827.00	3,000.00	60.90%
5201.30 Temporary Help	0.00	0.00	N/A
5201.35 · Chlorine	7,914.00	11,000.00	71.95%
5201.45 · Well repair & maintenance	7,481.00	0.00	N/A
5201.55 · Field staff cellular service	4,569.00	6,000.00	76.15%
5201.60 Tesco Services Contract (Well #8)	0.00	0.00	N/A
5201.65 Aqua Sierra Service Contract	0.00	8,000.00	0.00%
5201.70 SSWD Mutual Aide Field Staff	21,830.00	90,000.00	24.26%
Tree removal	2,870.00	0.00	N/A
5301.00 · Lab fees (H2O testing)	7,102.00	6,000.00	118.37%
5451.00 City water	3,231.00	6,000.00	53.85%
5452.00 Backflow program	1,278.00	2,000.00	63.90%
5351.00 Engineering	294,136.00	80,000.00	367.67%

CIP

Pipes

Miscellaneous	28,137.00	50,000.00	56.27%
Interties	84,039.00	300,000.00	28.01%

Wells			
Well #2	18,947.00	1,000,000.00	1.89%
Well # 9	0.00	300,000.00	0.00%
Fencing at well 6B	14,835.00		
Well # 7	1,704.00		
Fire Hydrant Assembly, Watt and Maryal Drive	17,800.00		
Debt Service			
Interest expense and principal	71,076.00	325,000.00	21.87%
Equipment			
2022 Chevrolet 2500	76,093.00		
Board room audio visual equipment	17,518.00		

Amounts above are not audited

Del Paso Manor Water District
Monthly Cash Flow Activity (Unaudited)
May 2023

	Operating Bank Account	L.A.I.F.	Total
	<u> </u>	<u> </u>	<u> </u>
Account Balances at May 1, 2023	\$ 408,975	\$ 2,292,005	\$ 2,700,980
Rate payer collections	81,606	-	81,606
Other receipts	1,100	-	1,100
Payroll disbursements	(29,589)	-	(29,589)
Vendor payments	<u>(112,029)</u>	<u>-</u>	<u>(112,029)</u>
Account Balances at May 31, 2023	<u>\$ 350,063</u>	<u>\$ 2,292,005</u>	<u>\$ 2,642,068</u>

The activity above is not audited

ITEM #8.B

Consideration and Adoption of Resolution Establishing Water Regulations Related to Delinquent Account Shutoffs and Liens, Pursuant to Senate Bill 998 and Amendment to Ordinances 3 and 10 to Conform with the California Water Shutoff Act

DEL PASO MANOR WATER DISTRICT

BOARD MEETING

DATE: July 3, 2023

AGENDA ITEM NO. 8.B

SUBJECT: Adopting Resolution No. 07-2023-1 Establishing Water Shut-Off Regulations and Amending Ordinances No. 3 and No. 10 to conform with the California Water Shutoff Act

STAFF CONTACT:

General Counsel

BACKGROUND:

The Del Paso Manor Water District bills customers for water service; however, sometimes customers do not make payments. This impacts other ratepayers and the District as a whole. As such, the Board of Directors directed staff to bring a resolution establishing water shut-off and lien regulations for non-payment.

On September 28, 2018, then-California Governor Brown signed Senate Bill 998 into law. Senate Bill 998, the Water Shutoff Protection Act (“Act”), codified as California Health and Safety Code Section 116900, et seq. The Act provides specific rules and procedures for public water providers to follow before it terminates residential water service to dwellings, including single-family homes, multifamily homes, mobile homes including those in mobile home parks, and farmworker housing.

The District will also need to ensure the notice to customers includes information and procedures as to how the customer can avert discontinuation of residential water service. Further, the District is advised to add a requirement that a customer demonstrate financial inability to pay before qualifying for certain payment plans and further to avoid termination of service.

Amendments to District ordinances

To conform with the California Water Shutoff Protection Act, the District will need to amend Ordinance No. 10 and Ordinance 20180604-2 to implement the laws in the Act, codified in Health and Safety Code section 116900 et seq. Revisions to both ordinances are attached.

Written Policy for Water Shutoff Procedures

This resolution contains: (1) a plan for deferred or reduced payments and alternative payment schedules; (2) a way to appeal a bill; and (3) a telephone number for a customer to call to discuss options to avoid termination of service for nonpayment.

Additionally, the policy must be available online. The policy must be available in English, the languages listed in Civil Code Section 1632 (Spanish, Chinese, Tagalog, Vietnamese, and Korean), and any other language spoken by at least 10% (ten percent) of the District's population. There currently are no other languages identified to be added.

Notice Requirements Before Terminating Service

The Act requires staff to give certain notifications when calling or sending written notice to a customer, as detailed in the draft resolution. Other notice requirements mandated by the Act, such as requiring the District to make good faith efforts to go to a residence when they cannot reach a customer by phone or in writing, are also included within the draft resolution.

Annual Service Shutoff Figures Reporting

Another requirement is to report the number of annual discontinuations of residential service for inability to pay on its website and to the State Water Resources Control Board ("State Water Board").

Residential Service Can Be Terminated if a Customer Acts in an Unauthorized Manner.

An example of an unauthorized act is tampering with the water system to bypass the water meter or otherwise illegally access or tamper with the water system.

The State Water Resources Control Board Can Assess Penalties for Violating the Act

The State Water Board may enforce violations of the Act against urban water suppliers who do not comply with the Act. The State Water Board may assess a civil penalty up to \$1,000 a day for each day a violation occurs. For this reason, staff recommends the Board adopt this resolution and only changes to bring existing practices into compliance were reviewed or made.

Liens

Finally, if the District is unable to collect the delinquent payments, it may place the delinquent as a lien on the underlying property after following the notice and public hearing requirements set forth in the draft resolution.

RECOMMENDATION:

Approve the resolution, place it on the District website, inform ratepayers and approve of the form of the notices for liens. Adopt amendments to Ordinances 3 and 10 to conform with the same.

RESOLUTION NO. 07-2023-1

A RESOLUTION OF THE BOARD OF DIRECTORS OF DEL PASO MANOR WATER DISTRICT ADOPTING THE DISTRICT'S POLICY REGARDING WATER SHUTOFF PROCEDURES TO BE IN CONFORMANCE WITH THE CALIFORNIA WATER SHUTOFF PROTECTION ACT AND ESTABLISHING PROCEDURES TO COLLECT DELINQUENT FEES BY LIEN

WHEREAS, the Governor signed Senate Bill 998, codified as the Water Shutoff Protection Act, Health and Safety Code Sections 116900, et seq., into law on September 28, 2018.

WHEREAS, the Water Shutoff Protection Act requires that Del Paso Manor Water District ("DPMWD" or "District") establish a policy in conformance with the Act.

WHEREAS, DPMWD seeks to establish such policy in conformance with the Water Shutoff Protection Act.

WHEREAS, DPMWD seeks to collect delinquent fees by way of lien once the process under the Water Shutoff Protection Act is satisfied.

WHEREAS, DPMWD, pursuant to California Water Code section 31701.5 and code sections cited within, may impose a lien on real property for delinquent water service fees; and,

WHEREAS, DPMWD seeks to collect delinquent water services fees by placing a lien on real property.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DPMWD that the Board of Directors hereby adopts this policy regarding water shutoff procedures in conformance with the California Water Shutoff Protection Act and collect delinquent fees by lien.

A. It is the policy of the DPMWD to adopt the following deferred and reduced payment plans and alternative payment schedules in compliance with California Health and Safety Code Section 116906:

1. Deferred or reduced payment plans.

a. Deferred payment plan. The District may offer delinquent customers a deferred payment plan provided the customer commits to a payment plan designed to bring the account current in no fewer than two billing cycles. In no event shall the amortization period exceed twelve (12) months.

b. Reduced payment plan. Reduced payments are available for customers who demonstrate financial inability to pay. A customer demonstrates a financial inability to pay

by showing the customer has a household income below 200 percent of the federal poverty line. A customer may demonstrate he or she is 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 Social 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 District may also waive charges on delinquent bills once every twelve (12) months for customers who demonstrate a household income level below two hundred percent (200%) of the federal poverty line.

i.. If a customer demonstrates a household income below 200 percent of the federal poverty line, the District may waive interest charges on delinquent bills once every 12 months.

2. Alternative payment schedule. The District may consider dividing a residential water service customer's charges into equal monthly payments, or other alternate payments the District's General Manager and/or designee consider necessary to avoid undue hardship to the customer based on the circumstances of the individual case.

B. It is the policy of DPMWD to provide an appeals process to allow a customer to contest a residential water service bill. A resident may appeal a bill for residential water service by submitting a written appeal to the Board of Directors, within ten (10) days of the General Manager's determination. Residential water service may not be terminated while an appeal is pending. The Board of Director's determination, following the appeal, shall be final.

C. A customer may contact DPMWD General Manager at 916-487-0419, to discuss options to avert discontinuation of residential water service for nonpayment.

D. This policy will be available on the District's website.

E. Nothing in this policy should be construed as inconsistent with the Water Shutoff Protection Act, codified in California Health & Safety Code Section 116900, et seq. If there is a question as to whether the District's ordinance, policy or the Act applies, the provisions of the Act prevail.

F. If a customer is delinquent in payment, the following processes may be utilized:

1. All bills become delinquent thirty (30) days after the Billing Date printed on the bill. If delinquent charges and any applicable late charges are not paid within 60 (sixty) days after the account becomes delinquent (e.g. 90 days past due), the District may assess an additional collection fee for handling and processing.

2. If the District calls the customer, the District will offer to send the customer the District's written policy on discontinuation of residential service for nonpayment and offer to discuss the District's options to avert discontinuation of service, including those provided in this policy and in Health and Safety Code Section 116908(a)(1)(B).

3. If the District contacts the customer via written notice, that notice shall be sent to the customer. If the property address where service is provided is different than the customer's address, notice will also be sent to the property address addressed to "Occupant." The District will endeavor to provide notice to the property owner and customer, if the two are different. The notice will include the customer's name and address, the delinquent amount, the date payment is due to avoid discontinuation of residential service, a description of how to apply for an extension to pay the delinquent amount, a description of how to petition for bill review and appeal, and a description of how to request other payment options as provided in the District's policy.

4. If the District is unable to contact a customer by telephone, and written notice is returned through the mail as undeliverable, the District will make a good faith effort to visit the residence and leave a notice of imminent discontinuation of residential service for nonpayment and the District's policy for discontinuation of residential service in a conspicuous place.

G. The District shall not discontinue residential water service to a customer with a demonstrated medical need, if the following conditions are met:

1. A customer, or the customer's tenant, supplies the District with certification from a primary care provider primary care provider as defined in Welfare and Institutions Code Section 14088(b)(1)(A) declaring termination of water service would be life threatening to or pose a serious threat to the health and safety of the customer, or a resident of the premises where water service is provided;

2. The customer demonstrates that the customer is financially unable to pay for water service, as provided in California Health & Safety Code Section 116910(a)(2); and

3. The customer agrees to enter into a payment plan consistent with California Health and Safety Code Section 116910(a)(3) and the District's policy. The District may choose the payment option and its parameters.

4. If the customer fails to comply with a deferred or reduced payment plan or alternative payment schedule for 60 days or more from the date the bill is delinquent, the District may discontinue residential service no sooner than five (5) business days after the District posts notice of its intent to disconnect service in a prominent and conspicuous location at the property.

5. If while under a deferred or reduced payment plan or alternative payment schedule, the customer fails to pay his or her current residential service charges for 60 days or more from the date the bill is delinquent, the District may discontinue residential service no sooner than five (5) business days after the District posts notice of its intent to disconnect service in a prominent and conspicuous location at the property.

H. Restoration of service

1. Restoration of service during office hours. If residential service is discontinued for nonpayment, the District may restore residential service after all the delinquent service

charges, penalties and a charge for the disconnection and reconnection of water services to the premises have been paid. The charge for disconnection and reconnection of water services will be calculated based on DPMWD staff's time to reconnect divided by their hourly cost.

a. Customers who demonstrate a household income below 200 percent of the federal poverty line may be subject to a maximum reconnection during normal operation hours of \$50, or the actual cost of reconnection if less. Reconnection fees will be subject to an annual adjustment for changes in the Consumer Price Index beginning on January 1, 2021. The District may also waive interest charges on delinquent bills once every 12 months for customers who demonstrate a household income level below 200 percent of the federal poverty line.

2. Restoration of service after office hours. Any customer requesting to be reconnected to District utility services after normal working hours, will be subject to an additional charge, at a minimum equal to District staff's time to reconnect divided by their hourly cost. Fees must be paid prior to commencement of services.

a. Customers who demonstrate a household income below 200 percent of the federal poverty line may be subject to a maximum after-hours reconnection of \$150, or the actual cost of reconnection if less. Reconnection fees will be subject to an annual adjustment for changes in the Consumer Price Index beginning on January 1, 2021. The District may also waive interest charges on delinquent bills once every 12 months for customers who demonstrate a household income level below 200 percent of the federal poverty line.

I. Discontinuation of residential water service when a landlord-tenant relationship exists between the occupants and owner, manager or operator of the residence.

1. Where utility service charges are delinquent, discontinuation of service may occur at 10:00 a.m. on the sixty-first (61st) day after a master meter customer is delinquent from the date the bill is delinquent. The District shall provide notice of termination to residents with a master meter pursuant to Health and Safety Code section 116916 and in compliance with the District rules and regulations in effect at the time of providing such notice.

J. DPMWD will report the number of annual residential service discontinuations for nonpayment on its website and to the State Water Resources Control Board.

K. DPMWD will provide all written notices pursuant to this policy in English, the languages listed in California Civil Code Section 1632, and any other language spoken by ten (10) percent or more of its customers.

L. Notwithstanding this policy and the applicable municipal code sections, DPMWD may terminate service due to an unauthorized act by a customer.

M. Collection Procedures – Delinquent Accounts. A delinquent notice shall be sent by first class mail within thirty (30) days after the account becomes delinquent. The delinquent notice shall state the final date and time that full delinquent payment will be accepted prior to assessment of collection fees and termination of water service. At least fifteen (15) days prior to

the final date, a shut-off notice shall be sent by first class mail, restating the final date and time. After compliance with all applicable processes set forth in this resolution, and the process set forth below, the delinquent charges shall constitute a lien upon the real property to which the unpaid charge for service was rendered. Such lien is imposed pursuant to law.

1. Whenever the delinquent amount imposed pursuant to this resolution and pursuant to law in connection with real property has not been satisfied by the time specified for delivery of the assessment book to the collector, unless tolled by a timely request, for judicial review pursuant to California Government Code Section 53069.4 or reversed by court order, this obligation may constitute a lien against such real property.

a. However, pursuant to law if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquent and unpaid charges relating to such property shall be transferred to the unsecured roll for collection.

2. The lien provided herein shall have no force and effect until recorded with the county auditor. Once recorded, the administrative order shall have the force and effect and priority of a judgment lien governed by the provisions of Section 697.340 of the California Code of Civil Procedure and may be extended as provided in Sections 683.110 through 683.220 of the California Code of Civil Procedure.

3. Interest shall accrue on the principal amount of the judgment remaining unsatisfied pursuant to law.

4. Prior to recording any such lien, the DPMWD General Manager or their designee shall prepare and file with the DPMWD Board of Directors a report stating the amounts due and owing.

5. The DPMWD Board Clerk shall fix a time, date, and place for hearing such report and any protests or objections thereto by the DPMWD Board of Directors.

6. The DPMWD General Manager or their designee shall cause written notice to be served on each property owner whose interest is disclosed by the current county equalized assessment roll not less than ten calendar days prior to the time set for the hearing. Prior to the hearing, the DPMWD General Manager or their designee shall also cause the list of delinquencies and notice to be published once a week for three successive weeks in a newspaper designated by the DPMWD Board of Directors and published in the county in which the delinquent property is situated. The published list of delinquencies shall contain all of the following information relating to each parcel of land separately assessed on which the assessment is delinquent: (1) the name of the assessee, (b) the description of the land, (c) the total amount due, which shall be the aggregate of the assessments, penalties, and costs due thereon. If any land assessed to the same person lies in more than on county, publication may be made in any county in which any portion of the land lies.

7. Any person owning a legal or equitable interest in real property proposed to be subject to a lien pursuant to this chapter may file a written protest with the DPMWD Board of Directors and/or may protest orally at the hearing.

8. Each written protest or objection must contain a description of the property in which the protesting party has a legal or equitable interest and the grounds of such protest or objection. The grounds for protest or objection, and any evidence or testimony submitted in support or in opposition to the imposition of a lien, shall be confined to whether the amount of any administrative fine and other penalty and/or administrative cost imposed was satisfied in full within the time allowed by law and/or was successfully challenged by a timely writ of mandate.

9. The DPMWD Board of Directors, after the hearing, shall adopt a resolution confirming, discharging, or modifying the amount of the lien based upon evidence produced at the hearing.

10. Thirty calendar days following the adoption of a resolution by the DPMWD Board of Directors imposing a lien, the DPMWD General Manager or their designee shall file a certified copy of the cost report with the Sacramento County auditor. The DPMWD General Manager or their designee shall request the auditor to enter each assessment on the Sacramento County tax roll and collect the amount of the assessment at the time and in the manner of ordinary municipal taxes. The lien may carry such additional administrative charges as set forth by resolution of the DPMWD Board of Directors.

PASSED AND ADOPTED THIS 3 DAY OF JULY 2023. I, _____, CLERK OF DPMWD, HEREBY CERTIFY the foregoing resolution was introduced and passed at a regular meeting of the Board of Directors of DPMWD by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____ Board Clerk

ORDINANCE NO. 07-2023-02

AMENDING ORDINANCE NO. 10
AN ORDINANCE AMENDING ORDINANCE NO. 3

WHEREAS, the Governor signed Senate Bill 998, codified as the California Water Shutoff Protection Act, Health and Safety Code Sections 116900, et seq., into law on September 28, 2018.

WHEREAS, the Del Paso Manor Water District (“DPMWD”) has established a penalty for delinquent water service charges in Ordinance No. 10.

WHEREAS, DPMWD seeks to amend Ordinance No. 10 to conform with the Water Shutoff Protection Act.

NOW, THEREFORE, DPMWD does hereby ordain as follows:

Section 1. Purpose. The purpose of this ordinance amendment is to implement the laws as set out in the California Water Shutoff Protection Act, codified in Health and Safety Code Sections 116900, et seq.

Section 2. Authority. This ordinance is authorized pursuant to Health and Safety Code sections 116900, et seq.

Section 3. Findings. In adopting this ordinance, DPMWD makes the following findings:

(a) The proposed Amendment to Ordinance No. 10 will not be detrimental to the health, safety, and general welfare of persons residing in the immediate area or detrimental to the general welfare of the customers of DPMWD as a whole; and

(b) The proposed Amendment to Ordinance No. 10 will not adversely affect the orderly development of property or preservation of property values; and

(c) The proposed Amendment to Ordinance No. 10 is consistent with the provisions of Health and Safety Code sections 116900, et seq.; and

(d) DPMWD Staff recommends approval of the proposed Amendment to Ordinance No. 10.

Section 4. Enactment. The DPMWD Board of Directors hereby approves the Amendment to Ordinance No. 10, which is provided herein below, and authorizes DPMWD staff to implement the Amendment to Ordinance No. 10.

AMENDMENT TO ORDINANCE NO. 10:

275 Penalty. Rates and charges which are not paid ~~on or before the 20th day of the month following the month for which the charge was made~~ 30 days after an account becomes delinquent, shall be subject to a penalty of ten per cent (10/%) and thereafter shall be subject to a further penalty of one half of one per cent per month on the first day of each month following.

Section 5. Severability. If any provision of Amendment to Ordinance No. 10 or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 6. Execution. The DPMWD Board of Directors President shall sign and the DPMWD Clerk shall attest to the passage of this ordinance.

Section 7. Effective Date and Publication. This ordinance shall take effect thirty (30) days after its final adoption. The DPMWD Clerk is hereby directed to publish this ordinance within fifteen (15) days after its passage in a newspaper of general circulation published in the DPMWD service area or to post it in public locations in DPMWD service area.

Passed and Adopted at a Regular Meeting of the DPMWD on July ____, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DPMWD Board of Directors, President

ATTEST:

APPROVED AS TO FORM:

DPMWD Clerk

Mona Ebrahimi, General Counsel

ORDINANCE NO. 07-2023-03

AMENDING WATER SERVICE ORDINANCE 20180604-2
AMENDING AND RESTATING
ORDINANCE NO. 3

(As amended)

AN ORDINANCE ESTABLISHING RATES, RULES AND REGULATIONS FOR WATER
SERVICE BY THE
DEL PASO MANOR WATER DISTRICT

WHEREAS, the Governor signed Senate Bill 998, codified as the California Water Shutoff Protection Act, Health and Safety Code Sections 116900, et seq., into law on September 28, 2018.

WHEREAS, the Del Paso Manor Water District (“DPMWD”) has established rates, rules and regulations for water service in Water Service Ordinance 20180604-2 Amending and Restating Ordinance No. 3.

WHEREAS, DPMWD seeks to amend Ordinance 20180604-2 to conform with the Water Shutoff Protection Act.

NOW, THEREFORE, DPMWD does hereby ordain as follows:

Section 1. Purpose. The purpose of this ordinance amendment is to implement the laws as set out in the California Water Shutoff Protection Act, codified in Health and Safety Code Sections 116900, et seq.

Section 2. Authority. This ordinance is authorized pursuant to Health and Safety Code sections 116900, et seq.

Section 3. Findings. In adopting this ordinance, DPMWD makes the following findings:

(a) The proposed Amendment to Ordinance 20180604-2 will not be detrimental to the health, safety, and general welfare of persons residing in the immediate area or detrimental to the general welfare of the customers of DPMWD as a whole; and

(b) The proposed Amendment to Ordinance 20180604-2 will not adversely affect the orderly development of property or preservation of property values; and

(c) The proposed Amendment to Ordinance 20180604-2 is consistent with the provisions of Health and Safety Code sections 116900, et seq.; and

(d) DPMWD Staff recommends approval of the proposed Amendment to Ordinance 20180604-2.

Section 4. Enactment. The DPMWD Board of Directors hereby approves the Amendment to Ordinance 20180604-2, which is provided herein below, and authorizes DPMWD staff to implement the Amendment to Ordinance 20180604-2.

AMENDMENT TO ORDINANCE 20180604-2:

ARTICLE 10. CREDIT

1000. Establishment and Maintenance. Each Applicant for service shall establish and maintain credit to the satisfaction of the District, based on the credit worthiness of the Applicant, who may be required to provide a cash guarantee deposit, as hereinafter provided, or otherwise, before service will be rendered.

1001. Guarantee Deposit. The amount of deposit required will be equal to twice the amount of the monthly minimum charge. No interest will be paid by the District on guarantee deposits.

1002. Loss and Reestablishment of Credit. Any amount due for water service that remains unpaid for twenty days after presentation of a bill therefore, during the depositor's first year of service, may be deducted from the guarantee deposit, and service shall be subject to discontinuance pursuant to the process provided in Article 12 of this ordinance and in compliance with the District's policy regarding water shutoff procedures to be in conformance with the California Water Shutoff Protection Act and procedures to collect delinquent fees by lien until the deposit is again restored to the original amount. Any such unpaid amount accruing subsequently to the depositor's first year of service, where the Premises are owned by the depositor, may also be deducted from any guarantee deposit remaining in the District's possession.

1003. Return of Guarantee Deposit. A guarantee deposit made by an Owner whose account has not been in arrears at any time during the first year of the deposit is returnable after the expiration of the year. If the service is discontinued in less than a year, the deposit will be returned provided all outstanding bills against Owner for water service have been paid. Any deposit uncalled for within five years from the date when made will become the property of and be retained by the District.

1004. Deposit by Other than Owner. Deposits made by Applicants other than the Owner shall be refunded only on discontinuance of service.

ARTICLE 12. DISCONTINUANCE OF SERVICE

1200. Disconnection for Non-Payment. Service may be discontinued for nonpayment of bills ~~on or before the twentieth day of the month following the month during which the bill was sent~~subject to the District's delinquent payment procedures.

All bills become delinquent thirty (30) days after the Billing Date printed on the bill. If delinquent charges and any applicable late charges are not paid within 60 (sixty) days after the

account becomes delinquent, the District may assess an additional collection fee for handling and processing. The District may also waive charges on delinquent bills once every 12 (twelve) months for customers who demonstrate a household income level below 200% (two hundred percent) of the federal poverty line.

If the District calls the customer, the District will offer to send the customer the District's written policy on discontinuation of residential service for nonpayment and offer to discuss the District's options to avert discontinuation of service, including those provided in this policy and in Health and Safety Code Section 116908(a)(1)(B).

If the District contacts the customer via written notice, that notice shall be sent to the customer. If the property address where service is provided is different than the customer's address, notice will also be sent to the property address addressed to "Occupant." The notice will include the customer's name and address, the delinquent amount, the date payment is due to avoid discontinuation of residential service, a description of how to apply for an extension to pay the delinquent amount, a description of how to petition for bill review and appeal, and a description of how to request other payment options as provided in the District's policy.

If the District is unable to contact a customer by telephone, and written notice is returned through the mail as undeliverable, the District will make a good faith effort to visit the residence and leave a notice of imminent discontinuation of residential service for nonpayment and the District's policy for discontinuation of residential service in a conspicuous place.

The District shall not discontinue residential water service to a customer with a demonstrated medical need, if the following conditions are met:

1. A customer, or the customer's tenant, supplies the District with certification from a primary care provider as defined in Welfare and Institutions Code Section 14088(b)(1)(A) declaring termination of water service would be life threatening to or pose a serious threat to the health and safety of the customer, or a resident of the premises where water service is provided;

2. The customer demonstrates that the customer is financially unable to pay for water service, as provided in California Health & Safety Code Section 116910(a)(2); and

3. The customer agrees to enter into a payment plan consistent with California Health and Safety Code Section 116910(a)(3) and the District's policy. The District may choose the payment option and its parameters.

4. If the customer fails to comply with a deferred or reduced payment plan or alternative payment schedule for 60 days or more, the District may discontinue residential service no sooner than five (5) business days after the District posts notice of its intent to disconnect service in a prominent and conspicuous location at the property.

5. If while under a deferred or reduced payment plan or alternative payment schedule, the customer fails to pay his or her current residential service charges for 60 days or

more, the District may discontinue residential service no sooner than five (5) business days after the District posts notice of its intent to disconnect service in a prominent and conspicuous location at the property.

~~At least ten days prior to such discontinuance, the Owner will be sent a final notice that discontinuance will be enforced if payment is not made within the time specified in the notice. The failure of the Owner or user to receive the notice shall not affect the District's power hereunder.~~

The service will not be discontinued, however, until the amount of the deposit made to establish credit for that service has been fully exhausted. ~~Water service may be discontinued if water service furnished at the Owner's previous location is not paid for within the time herein fixed for the payment of bills provided in Ordinance No. 00 YEAR. If an Owner receives water service at more than one location and the bill for service at any one location is not paid within the time provided for payment, water service at all locations may be discontinued.~~ Domestic service, ~~however,~~ will not be discontinued for nonpayment of bills for other classes of service. The District will provide notice and otherwise comply with the provisions of Health and Safety Code section 116900 et seq., Government Code sections 60370- 60374 and Public Utilities Code sections 10007-10016, to the extent applicable, before discontinuing water service.

1201. Service Restoration Charge. A service restoration charge as set forth in Article 9 plus penalties will be made and collected prior to renewing service following a discontinuance. However, customers who demonstrate a household income below 200 percent of the federal poverty line may be subject to a maximum reconnection during normal operation hours of \$50, or the actual cost of reconnection if less. Reconnection fees will be subject to an annual adjustment for changes in the Consumer Price Index beginning on January 1, 2021. The District may also waive interest charges on delinquent bills once every 12 months for customers who demonstrate a household income level below 200 percent of the federal poverty line.

1202. Unsafe Apparatus. Water service may be refused or discontinued to any Premises where apparatus or appliances are in use which might endanger or disturb the service to other Owners.

1203. Cross-Connections. Water service may be refused or discontinued to any Premises where there exists a cross-connection in violation of State or Federal laws.

1204. Fraud or Abuse. Service may be discontinued if necessary to protect the District against fraud or abuse.

1205. Noncompliance with Regulations. Service may be discontinued for noncompliance with this or any other ordinance or regulation related to the water service.

1206. Upon Vacating Premises. Owners desiring to discontinue service should so notify the District two business days prior to vacating the Premises. A new Owner shall notify the District of a transfer of ownership within two business days of close of escrow. Unless discontinuance of service is ordered, the Owner shall be liable for charges whether or not any

water is used. Upon a transfer of ownership, the Owner as of the 16th day of the month shall be billed for service for the entire month. However, in accordance with section 412, a new Owner shall nonetheless be liable for unpaid charges incurred by a prior Owner for service to the same Premises. Failure to timely notify the District of a change in ownership shall be subject to the charge set forth in Article 9.

1207. Discontinuation of residential water service when a landlord-tenant relationship exists between the occupants and owner, manager or operator of the residence. Where utility service charges are delinquent, discontinuation of service may occur at 10:00 a.m. on the sixty-first (61st) day after a master meter customer is delinquent. The District shall provide notice of termination to residents with a master meter pursuant to Health and Safety Code section 116916 and in compliance with the District rules and regulations in effect at the time of providing such notice.

ARTICLE 13. COLLECTION

1300. Penalty. Rates and charges that are not paid ~~on or before the 20th day of the month following the month for which the charge was made~~30 days after an account becomes delinquent, will be subject to a penalty of ten percent and thereafter will be subject to interest of one half of one percent per month on the first day of each month following on the unpaid amount due.

1301. Collection. All unpaid rates and charges and penalties herein provided may be collected by the District through legal proceedings.

1302. Collection Procedures. Delinquent Accounts. A delinquent notice shall be sent by first class mail within 30 (thirty) days after the account becomes delinquent. The delinquent notice shall state the final date and time that full delinquent payment will be accepted prior to assessment of collection fees and termination of water service. At least 15 (fifteen) days prior to the final date, a shut-off notice shall be sent by first class mail, restating the final date and time. After compliance with all applicable processes set forth in this ordinance, and the process set forth below, the delinquent charges shall constitute a lien upon the real property to which the unpaid charge for service was rendered. Such lien is imposed pursuant to Water Code section 31701.5 of the state.

1. Whenever the delinquent amount imposed pursuant to this ordinance and Water Code sections 31700 et seq. in connection with real property has not been satisfied by the time specified for delivery of the assessment book to the collector, unless tolled by a timely request, for judicial review pursuant to California Government Code Section 53069.4 or reversed by court order, this obligation may constitute a lien against such real property.

a. However, pursuant to California Water Code section 31701.5, if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to

such real property and the delinquent and unpaid charges relating to such property shall be transferred to the unsecured roll for collection.

2. The lien provided herein shall have no force and effect until recorded with the county auditor. Once recorded, the administrative order shall have the force and effect and priority of a judgment lien governed by the provisions of Section 697.340 of the California Code of Civil Procedure and may be extended as provided in Sections 683.110 through 683.220 of the California Code of Civil Procedure.

3. Interest shall accrue on the principal amount of the judgment remaining unsatisfied pursuant to law.

4. Prior to recording any such lien, the DPMWD [Staff member] or their designee shall prepare and file with the DPMWD [Board Clerk or General Manager?] a report stating the amounts due and owing.

5. The DPMWD [Board Clerk or General Manager?] shall fix a time, date, and place for hearing such report and any protests or objections thereto by the DPMWD Board of Directors.

6. The DPMWD [Staff member] or their designee shall cause written notice to be served on each property owner whose interest is disclosed by the current county equalized assessment roll not less than ten calendar days prior to the time set for the hearing. Prior to the hearing, the DPMWD [Staff member] or their designee shall also cause the list of delinquencies and notice to be published once a week for three successive weeks in a newspaper designated by the DPMWD Board of Directors and published in the county in which the delinquent property is situated. The published list of delinquencies shall contain all of the following information relating to each parcel of land separately assessed on which the assessment is delinquent: (1) the name of the assessee, (b) the description of the land, (c) the total amount due, which shall be the aggregate of the assessments, penalties, and costs due thereon. If any land assessed to the same person lies in more than on county, publication may be made in any county in which any portion of the land lies.

7. Any person owning a legal or equitable interest in real property proposed to be subject to a lien pursuant to this chapter may file a written protest with the DPMWD [Board Clerk or General Manager?] and/or may protest orally at the hearing.

8. Each written protest or objection must contain a description of the property in which the protesting party has a legal or equitable interest and the grounds of such protest or objection. The grounds for protest or objection, and any evidence or testimony submitted in support or in opposition to the imposition of a lien, shall be confined to whether the amount of any administrative fine and other penalty and/or administrative cost imposed was satisfied in full within the time allowed by law and/or was successfully challenged by a timely writ of mandate.

9. The DPMWD Board of Directors, after the hearing, shall adopt a resolution confirming, discharging, or modifying the amount of the lien based upon evidence produced at the hearing.

10. Thirty calendar days following the adoption of a resolution by the DPMWD Board of Directors imposing a lien, the DPMWD [Staff member] or their designee shall file a certified copy of the cost report with the Sacramento County auditor. The DPMWD [Staff member] or their designee shall request the auditor to enter each assessment on the Sacramento County tax roll and collect the amount of the assessment at the time and in the manner of ordinary municipal taxes. The lien may carry such additional administrative charges as set forth by resolution of the DPMWD Board of Directors.

13032. Costs. In the event the District takes legal action to enforce any of the terms and conditions of this Ordinance, whether administrative or regulatory action, or a civil or criminal action filed in a court of competent jurisdiction, the District shall be entitled to recover its attorneys, fees, costs, expert witness fees and all other litigation expenses incurred-

Section 5. Severability. If any provision of Amendment to Ordinance 20180604-2 or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 6. Execution. The DPMWD Board of Directors President shall sign and the DPMWD Clerk shall attest to the passage of this ordinance.

Section 7. Effective Date and Publication. This ordinance shall take effect thirty (30) days after its final adoption. The DPMWD Clerk is hereby directed to publish this ordinance within fifteen (15) days after its passage in a newspaper of general circulation published in the DPMWD service area or to post it in public locations in DPMWD service area.

Passed and Adopted at a Regular Meeting of the DPMWD on July ____, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DPMWD Board of Directors, President

ATTEST:

APPROVED AS TO FORM:

DPMWD Clerk

Mona Ebrahimi, General Counsel

DEL PASO MANOR WATER DISTRICT

SAMPLE RESOLUTION NO. XX-YEAR

A RESOLUTION OF THE DEL PASO MANOR WATER DISTRICT CONFIRMING A REPORT OF COSTS INCURRED FOR DELINQUENT WATER SERVICE FEES; CONFIRMING THE DELINQUENT FEES SET FORTH IN THE REPORT; AND DIRECTING SUCH DELINQUENT FEES BE PLACED AS A LIEN ON CERTAIN REAL PROPERTY

WHEREAS, the Del Paso Manor Water District (“DPMWD”) provides water service; and,

WHEREAS, on or around March 1959, DPMWD adopted Ordinance No. 10 amending Ordinance No. 3, and on or around 2018 DPMWD adopted Ordinance 20180604-2 amending and restating ordinance No. 3 (as amended) establishing rates, rules and regulations for water service by the Del Paso Manor Water District; and,

WHEREAS, pursuant to a report from the DPMWD General Manager, the combined amount of unpaid delinquent water service fees from Fiscal Year _____ to Fiscal Year _____ to date is \$ _____, causing a deficit in revenue for DPMWD; and,

WHEREAS, DPMWD provided notice of the delinquent water service fees and DPMWD’s intention to place a lien on real property thereon pursuant to its rates, rules and regulations for water service; and,

WHEREAS, DPMWD’s Board of Directors held a hearing allowing for protests and objections pursuant to its rates, rules and regulations for water service; and,

WHEREAS, DPMWD seeks to collect delinquent water services fees by placing a lien on real property; and,

WHEREAS, DPMWD, pursuant to law, may impose a lien on real property for delinquent water service fees, and thus DPMWD, has authority to impose a lien on real property for delinquent water service fees.

NOW, THEREFORE, DPMWD does resolve as follows:

1. DPMWD’s Board of Directors confirms the foregoing recitals are accurate.
2. The report is accurate and pursuant to DPMWD’s its rates, rules and regulations for water service each cost set forth in the report hereby constitutes a lien against real property as set forth in the report.
3. The DPMWD Board of Directors directs that a copy of the report be transmitted to Sacramento County and requests that the County add the amounts of the past due amounts and

penalties on the next regular tax bill levied against the parcels set forth in the report and as required by DPMWD's rates, rules and regulations for water service and pursuant to law.

PASSED AND ADOPTED THIS ___ DAY OF _____, 2023, AT SACRAMENTO, CALIFORNIA, THE FOLLOWING DIRECTORS VOTING THEREON:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____, **President of the Board of Directors of the Del Paso Manor Water District**

ATTEST:

I hereby certify that the foregoing Resolution was duly made, seconded and adopted by the Board of Directors of the Del Paso Manor Water District at their meeting held _____, 2023.

_____, **Secretary to the Board of Directors of the Del Paso Manor Water District**

	APN	Address	Owner	Water Account No.	Total amount due (Aggregate of the delinquent water service fees, penalties and costs due thereon)
1.					
2.					
3.					
4.					

ITEM #9.A

Field Report on Current and Upcoming Projects



DEL PASO MANOR WATER DISTRICT REGULAR BOARD MEETING FIELD REPORT

MEETING DATE: July 03, 2023

AGENDA ITEM 9.A:

Leaks: We had 0 mainline leak, 1 service line leak on our side, and 2 service line leaks on the customer's side

Complaints: We had 2 water quality concerns

Water Waste: We had 7 water waste reports

Field Work:

1. 29 USA's marked in June
2. 8 curb stops were located
3. TCR samples for June were absent
4. Fire hydrants are being painted
 - a. Please contact the office if you would like to get on the schedule to have yours painted
5. Road markers for fire Hydrants are being placed
6. Team meeting at Well 6B to discuss/plan path forward to correct concerns

Current and Upcoming Projects:

1. Replace 1 more non-functional meter
2. Continue landscaping maintenance around fire hydrants
3. Continue infrastructure measurements

**FIELD STAFF RESPONSIBLE FOR REPORT: Mike Jenner, Field Manager
07/03/2023**