

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.

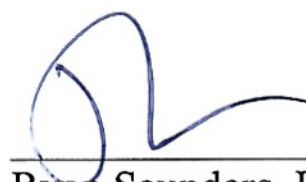
PASSED AND ADOPTED THIS 3 DAY OF JULY 2023. I certify that the foregoing Resolution was adopted by the Board of Directors of the Del Paso Manor Water District at a special meeting held on the 9th day of January 2024, by the following vote:

AYES: Dolk, Matteoli, Pratt, Ross, Saunders

NOES: None

ABSTAIN: None

ABSENT: None



---

Ryan Saunders, President  
Board of Directors

ATTEST:



---

Adam Coyan, General Manager