

ORDINANCE NO. 2020-02

BEING AN AMENDMENT TO ORDINANCE NO. 96-1
AN ORDINANCE OF THE BOARD OF DIRECTORS
OF
CENTERVILLE COMMUNITY SERVICES DISTRICT
ESTABLISHING DELINQUENT BILLING FEES AND
DISCONTINUATION OF SERVICE PROCEDURES FOR NON-PAYMENT

BE IT ORDAINED by the Board of Directors of the Centerville Community Services District as follows:

Section 6, Section 8 and Section 9, of Ordinance No. 96-1 are amended, effective March 18, 2020, in its entirety to provide as follows:

Section 6. Miscellaneous Fees: The following Miscellaneous Fees shall be collected by the District upon the occurrence of each of the following:

(b.1) Turn-On Fee \$ 40.00

(e) Deposits

1. All new water service customers are required to post a \$200.00 deposit. In lieu of the deposit, the new customer must provide a letter from a former water purveyor indicating on-time payments for the past twelve (12) months.
2. Homeowners – once the customer makes twelve (12) consecutive, on-time payments the \$200.00 deposit will then be credited to the customer’s account.
3. Renters – once the customer makes twelve (12) consecutive, on-time payments \$100.00 of the total deposit will then be credited to the customer’s account. The remaining \$100.00 will be retained until such time that the customer terminates service. If the renter provides an acceptable letter, a \$100 deposit will be retained until such time the customer terminates service. No deposit will be required if the property owner accepts the responsibility for any unpaid bills in writing by signing the Deposit Waiver form.

Section 8. Billing:

- A. Billing Cycle:** The District is on a monthly billing cycle. Each meter will be read during the last week of each billing cycle and will be mailed (including e-mailed delivered) the last day of each month. There will be an allowance to adjust for Sundays, holidays and unusual or unforeseen conditions.
- B. Due Date:** All bills or charges shall be due and payable at the District office on the fifth (5th) of each month and shall be delinquent on the twenty-first (21st) of the month.
- C. Collection of Delinquent Bills:** Consistent with Government Code 61115(b) the District may determine it necessary to collect delinquent charges and penalties in the same manner as property taxes. The Manager shall prepare and file with the Board of Directors a report that describes each affected parcel of real property and the

amount of charges and delinquencies for each affected parcel for the year. The Manager shall give notice of the filing of the report and of the time and place for a public hearing by publishing the notice pursuant to [Section 6066](#) in a newspaper of general circulation, and by mailing the notice to the owner of each affected parcel. At the public hearing, the Board of Directors shall hear and consider any objections or protests to the report. At the conclusion of the public hearing, the Board of Directors may adopt or revise the charges and penalties. The Board of Directors shall make its determination on each affected parcel and its determinations shall be final. On or before August 10 of each year following these determinations, the Manager shall file with the county auditor a copy of the final report adopted by the Board of Directors. The county auditor shall enter the amount of the charges and penalties against each of the affected parcels of real property as they appear on the current assessment roll. The county tax collector shall include the amount of the charges and penalties on the tax bills for each affected parcel of real property and collect the charges and penalties in the same manner as property taxes.

Section 9. Delinquency Charge and Discontinuation of Service for Nonpayment

A. Delinquency Charge: If payment is not received by the twenty-first (21st), penalty fees shall be applied to the account.

B. Discontinuation of Non-Residential Service for Nonpayment Policy: The District shall not discontinue a non-residential service for nonpayment until a payment by a customer has been delinquent for thirty (30) calendar days.

1. Non-Residential Service delinquency timeline:

- a. Bills are mailed on the last day of the month and are payable by the fifth (5th) of the subsequent month.
- b. On the twenty-first (21st) of the subsequent month, unpaid accounts are assessed a Delinquency Charge and a First Notice of Delinquency is delivered.
- c. Bills for the subsequent month are mailed on the last day of that month which includes the past due amount from the previous month. Payment is then due by the fifth (5th) of the following month.
- d. On the sixth (6th) of the next month, a Notice of Termination of Non-Residential Service is issued consistent with this Policy.

2. Notice of Termination of Non-Residential Service: No less than seven (7) business days before discontinuation of non-residential service for nonpayment, the District shall contact the customer named on the account by written notice.

- a. **Written Notice:** The written notice of payment delinquency and impending discontinuation shall be mailed to the mailing address provided. If the customer's address is not the address of the property to which residential service is provided, it shall **also** be mailed to the address of the property to which non-residential service is provided, addressed to "Occupant".

3. **Good Faith Effort:** Whenever the District is unable to make Written Contact with the customer or an adult occupying the property, and when Written Notice is returned through the mail as undeliverable, the District shall make a Good Faith Effort to visit the location and leave, or make other arrangements for placement in a conspicuous place, a Notice of Imminent Discontinuation of Service for Nonpayment and include the District's Policy.

4. **Service Restoration**

- a. Unless otherwise provided for pursuant to this Policy, a non-residential service that has been terminated for nonpayment in accordance with this Policy will be restored upon payment of the entire amount due, which shall include all delinquent charges, service reconnection charges, security deposit and other penalties.

C. Discontinuation of Residential Service for Nonpayment Policy: The District shall not discontinue a residential service for nonpayment until a payment by a customer has been delinquent for sixty (60) calendar days, and in accordance with the District's Policy for Discontinuation of Residential Service for Nonpayment, as provided herein. This Policy shall be available on the District's webpage.

1. **Residential Service delinquency timeline:**

- a. Bills are mailed on the last day of the month and are due by the fifth (5th) of the subsequent month.
- b. On the twenty-first (21st) of the subsequent month, unpaid balances are assessed a Delinquency Charge and a First Notice of Delinquency is issued (providing notice of the first pending 30-day delinquency).
- c. Bills for the subsequent month are mailed on the last day of that month which includes the past due amount from the previous month, including the Delinquency Charge, and the current charges. Payment in full is then due by the fifth (5th) of the following month.
- d. On the twenty-first (21st) of the following month, unpaid accounts are assessed a Delinquency Charge on all unpaid amounts. If two months of billings are now delinquent, a Second Notice of Delinquency is delivered (providing notice of notice of the second pending 30-day delinquency).
- e. Bills for the following month (including the past due amounts) are mailed on the last day of that month which includes the past due amounts from the previous two months and the most current month. Payment in full is then due by the fifth (5th) of the following month.
- f. On, or after, the sixth (6th) of the next month, a Notice of Termination of Residential Service is issued consistent with this Policy provided the service is a minimum of 60-days delinquent.

2. **Notice of Termination of Residential Service:** No less than seven (7) business days before discontinuation of residential service for nonpayment, the District shall contact the customer named on the account by written notice.
 - a. **Written Notice:** The written notice of payment delinquency and impending discontinuation shall be mailed to the customer of the residence to which the residential service is provided. If the customer's address is not the address of the property to which residential service is provided, it shall **also** be mailed to the address of the property to which residential service is provided, addressed to "Occupant". The notice shall include:
 1. The customer's name and address.
 2. The amount of delinquency.
 3. The date by which payment or arrangement for payment is required in order to avoid discontinuation of residential service.
 4. A description of the process to apply for an extension of time to pay the delinquent charges.
 5. A telephone number for the residential customer to contact in order to discuss options for averting discontinuation of residential service for nonpayment.
 6. A description of the procedure to petition for bill review and appeal.
 - b. A description of the procedure by which the customer may request a deferred, reduced, or alternative payment schedule, including an amortization of the delinquent residential service charges, consistent with the District's Discontinuation of Residential Service for Nonpayment Policy.
3. **Good Faith Effort:** Whenever the District is unable to make Written Contact with the customer or an adult occupying the residence, and when Written Notice is returned through the mail as undeliverable, the District shall make a Good Faith Effort to visit the residence and leave, or make other arrangements for placement in a conspicuous place, a Notice of Imminent Discontinuation of Residential Service for Nonpayment ("24-Hour Shut-Off Notice") and include the District's Discontinuation of Residential Service for Nonpayment Policy.
4. **Alternatives to Discontinuation of Residential Service for Nonpayment:**
 - a. **Deferred Payment Plan**
 1. Prior to Termination of Residential Service, any customer can contact the District and request a Deferred Payment Plan whereby payments of the delinquent amount can be extended up to a twelve (12) month repayment schedule.
 2. As a condition of this Plan, the customer will be required to pay the amortized amount plus the current water service charges.
 3. Unless otherwise provided for in the District's Policy, failure to pay the amortized amount plus the current water service charges each billing period will nullify the amortization agreement and result in the issuance of a Notice of Termination of Residential Service that will require the customer to pay the entire outstanding balance within 5 business days or water service will be terminated.

b. Alternative Payment Schedule

1. Any customer who has notified the District prior to a Termination of Residential Service can request an Alternative Payment Schedule (Extension of Time) whereby the customer's normal Due Date for payment of all water charges shall be extended by a time period not to exceed ten (10) calendar days.
2. Unless otherwise provided for in this Policy, failure to pay the amount due plus the current water service charges each billing period will nullify the alternative payment agreement and result in the issuance of a Notice of Termination of Residential Service that will require the customer to pay the entire outstanding balance within 5 business days or water service will be terminated.

5. Bill Review Request and Appeal Process

Residential service shall not be discontinued while a residential customer is engaged in the following review and appeal process:

a. Bill Review Request

1. If a customer wishes to dispute a water bill, the customer must, within five (5) business days of receipt of the disputed bill, contact the District during regular office hours and request a review of the account and provide staff with the reason for the review.
2. Upon review of the account, the District shall respond to the bill review request within ten (10) business days with a decision regarding the amount due.

b. Appeal Process

1. If the customer wishes to dispute the findings of the bill review request, the customer shall provide a request in writing to the District to have a review of the account by the District Manager. This request shall be provided to the District within ten calendar days from the date of mailing of the bill review request findings to the customer.
2. Upon review of the account, the District Manager shall respond to the bill review request within ten (10) business days with a decision regarding the amount due.
3. If the customer wishes to dispute the decision of the District Manager with respect to the bill review request, the customer shall provide a request in writing to appeal the decision to the Board of Directors. This request shall be provided to the District within ten calendar days from the date of mailing of the decision. The appeal will be heard by the Board and a decision will be made regarding the amount due at the next regularly scheduled meeting of the Board of Directors.

c. **Waive Fees**

1. The District may waive fees (e.g. Delinquency Fees) on delinquent bills a maximum of once every twelve (12) months.

6. Special Conditions:

a. **Medical Certification**

1. The District shall not discontinue residential service for nonpayment if **all** of the following conditions are met:
 - i. The customer, or tenant of the customer, submits a certification of a primary care provider, as defined in subparagraph (A) of paragraph (1) of subdivision (b) of Section 14088 of the Welfare and Institutions Code, that the discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided.
 - ii. The customer demonstrates that they are financially unable to pay for residential service within the District's normal billing cycle. The customer shall be deemed financially unable to pay if any member of the customer's household is a current recipient of CalWORKS, CalFresh, general assistance, Medi-Cal, Supplemental 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.
 - iii. The customer is willing to enter into the Deferred Payment Arrangement Plan or Alternative Payment Schedule, as provided in this Policy, with respect to all delinquent charges.
2. If the items in Paragraph a.1(i), (ii) and (iii) above are met, the District shall offer the residential customer one of the following options, in the sole discretion of the District:
 - i. The Deferred Payment Arrangement Plan, as provided in this Policy; or
 - ii. The Alternative Payment Schedule, as provided in this Policy.
3. The District may grant a longer repayment period than provided in the Deferred Payment Arrangement Plan or the Alternative Payment Schedule if the District, in its sole discretion, finds the longer period is necessary to avoid undue hardship to the customer based upon the circumstances of the individual case.

4. The residential service of a customer who is making repayment of a delinquent amount pursuant to an Alternative Payment Schedule or Deferred Payment Arrangement Plan under this Section F shall be disconnected no sooner than five (5) business days after the District posts a Final Notice of Intent to Disconnect Service in a prominent and conspicuous location at the property under either of the following circumstances:
 - i. The customer fails to comply for 60 days or more with the terms of the Alternative Payment Schedule or Deferred Payment Arrangement Plan entered into by the customer for repayment of delinquent charges.
 - ii. While complying with the terms of the Alternative Payment Schedule or Deferred Payment Arrangement Plan entered into by the customer for repayment of delinquent charges, the customer does not pay the current residential service charges for 60 days or more.
- b. **Reconnection of Discontinued Service for Customers with income below 200% of the Federal Poverty Level**
 1. The District shall provide all residential customers who have their services discontinued with information on how to restore their water service
 2. For residential customers who demonstrate to the District a household income below 200 percent of the Federal poverty line, the District shall do **both** of the following:
 - i. Set a reconnection service fee during normal operating hours to a maximum of fifty-dollars (\$50). For reconnection during nonoperational hours, the reconnection charge shall be a maximum of one hundred-fifty dollars (\$150). Reconnection fees shall be subject to annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.
 - ii. Waive fees (e.g. Delinquency Fees) on delinquent bills once every twelve (12) months per Policy.
 3. The District shall deem a residential customer to have a household income below 200 percent (200%) of the Federal poverty line if any member of the household is a current recipient of CalWORKS, CalFresh, general assistance, Medi-Cal, Supplemental 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 (200%) of the Federal poverty level.

c. Discontinuation of Residential Service in Landlord-Tenant Situations

1. This Section applies if there is a landlord-tenant relationship between the residential occupants and the owner, manager, or operator of the dwelling.
2. Where the District furnishes individually metered residential service to residential occupants of a detached single-family dwelling, a multiunit residential structure, mobile-home park, or permanent residential structure in a labor camp (as defined in California Health and Safety Code § 17008), and the owner, manager, or operator of the dwelling, structure, or park is the customer of record, the District shall make every Good Faith Effort to inform the residential occupants, by means of Written Notice, when the account is in arrears that service will be terminated at least 10 calendar days (10) prior to termination. The Written Notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account.

If the service is terminated, the tenant may elect to establish service subject to the terms and conditions of service, meets the requirements of law and the District's Rules & Regulations. In order for the amount due on the delinquent account to be waived, the District requires that the applicant verify that the delinquent account customer of record is, or was, the landlord, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreements, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Section 1962 of the Civil Code.

7. Non-Allowable Residential Water Service Termination

- a. In addition to the Restrictions imposed by the Policy, the District has set forth the following restrictions on terminations of a residential customer's water service for nonpayment of residential water service charges. No customer's service shall be terminated:
 - i. On a Friday, weekend, District observed holiday (or the day prior), or at any time during which the District Office is not open to the public.

8. Service Restoration

- a. Unless otherwise provided for pursuant to the Policy for Discontinuation of Residential Service for Nonpayment, Residential Water Service that has been terminated for Nonpayment in accordance with this Policy will be restored upon payment of the entire amount due, which shall include all delinquent charges, service reconnection charges, security deposit and other penalties.

