

**RESOLUTION NO. 1158**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLUE LAKE  
ESTABLISHING AND ADOPTING A POLICY GOVERNING THE  
DISCONNECTION OF RESIDENTIAL WATER SERVICE FOR  
NONPAYMENT OF WATER RATES AND CHARGES**

WHEREAS, the City of Blue Lake provides residential, commercial, and industrial water supply to residents and businesses within the City;

WHEREAS, Chapter 13.08 of the Blue Lake Municipal Code currently provides regulations for the payment of water bills and charges and further provides remedies that the City may use to ensure timely and full payment of water service;

WHEREAS, Senate Bill 998, signed into law on September 28, 2018, requires an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, to have a written policy on discontinuation of water service to certain types of residences for nonpayment;

WHEREAS, by way of this Resolution, the City Council desires to adopt the policy attached hereto as Exhibit 1.

**The City Council of the City of Blue Lake, State of California, does resolve as follows:**

**SECTION 1.** The Policy attached hereto as Exhibit 1 (the "Policy") is hereby adopted as the policy of the City of Blue Lake governing the disconnection of residential water service for nonpayment of water rates and charges.

**SECTION 2.** This Policy shall take effect on April 1, 2020, and shall remain in place until amended or repealed by further resolution of the City Council.

**SECTION 3.** This Policy does not apply or otherwise affect the City's ability to discontinue water service to nonresidential customers or to discontinue water service to residential customers for reasons other than nonpayment of rates and charges.

**SECTION 4.** This Policy is intended to be consistent with California law governing the disconnection of residential water service. To the extent there is any inconsistency between this Policy and California law, California law will control.

**PASSED AND ADOPTED** on the \_\_\_\_\_ day of February, 2020 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Mayor, City of Blue Lake

ATTEST:

\_\_\_\_\_  
City Clerk, City of Blue Lake

**CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Resolution No. 1157 passed and adopted at a regular meeting of the City Council of the City of Blue Lake held on the 25<sup>th</sup> day of February, 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
City Clerk, City of Blue Lake

## **Exhibit 1**

### **City of Blue Lake Policy Governing the Disconnection of Residential Water Service for Nonpayment of Water Rates and Charges**

*In accordance with California law, this policy is also available Spanish, Chinese, Tagalog, Vietnamese, and Korean. Please contact the City to obtain a copy in a desired language.*

#### **I. Scope and Purpose.**

Under existing law, City reserves the right to discontinue (shut-off) water service to residential and commercial properties in the event of nonpayment for water service. The purpose of this Policy is to (i) provide regulations for the manner in which residential water service may be disconnected in the event of nonpayment; (ii) to provide adequate safeguards to ensure residential customers and occupants are provided adequate notice and a fair opportunity to contest the water bill before water service is disconnected; and (iii) to provide potential alternative payment arrangements for residential customers who qualify.

This Policy does not apply or otherwise affect the City's ability to discontinue water service to nonresidential customers or to discontinue water service to residential customers for reasons other than nonpayment of rates and charges.

The City reserves the right to amend this Policy by resolution at a properly noticed meeting. Other than as may be required by the Ralph M. Brown Act, no further notice, including but not limited to individual written notice to customers, is required to amend this Policy.

This Policy is intended to be consistent with California law governing the disconnection of residential water service. To the extent there is any inconsistency between this Policy and California law, California law will control.

#### **II. Discontinuation of Water Service to Residential Units.**

The City reserves the right to discontinue water service to residential units, including, but not limited to, single-family dwellings, multi-unit residential structures, and mobile home parks, in the event a water bill remains unpaid for a period of sixty (60) calendar days after it becomes delinquent. A water bill becomes delinquent if it is not paid, in full, within 30 days of the date printed on the water bill.

Before water service is actually discontinued, the City will attempt to contact customers and occupants by phone at least seven (7) calendar days before the date water service is discontinued **or** by mail at least ten (10) calendar days before the date water service is discontinued to provide notice of the intended date water service will be discontinued, among other important information. If the mailing is returned as undeliverable, the City will make a good faith effort to post the notice in a conspicuous place on the property where service is provided. It is the customer's obligation to ensure the City has a current mailing address on file.

The written notice will provide customers and, if applicable, occupants with the following information (among other information):

- The amount of the delinquency;
- The date by which payment or other arrangement for payment is required to avoid discontinuation of service;
- The date service will be discontinued if payment or other arrangement for payment is not in place;
- A description of the process to apply for an extension of time to pay the delinquent charges;
- A description of the procedure to petition for bill review and appeal;
- A description of the procedure by which the customer may request deferment in the delinquent payment or an alternative payment schedule;
- Information on how to restore water service after discontinuation; and
- For certain tenant occupied units in which the landlord is the customer, that the tenants' have the option to avoid service disconnection by becoming a direct customer of the City.

### **III. Right to Appeal the Delinquent Water Bill.**

Residential customers who dispute their water bill have the right to appeal (contest) the amount due. An appeal must be submitted in writing and received by the City no later than the fourth (4<sup>th</sup>) day before the date described in the notice as the intended water disconnection date, unless the fourth day falls on a weekend or federal holiday, in which case the written notice of appeal must be received on the next business day following the weekend or holiday.

To be valid, a notice of appeal must, at minimum, provide the following information: (i) name of customer, (ii) phone number, (iii) address where notices can be mailed, (iv) the particular water bill(s) appealed, (v) a brief statement of the ground for the appeal.

The City will contact you at the phone number provided on the notice of appeal to provide notice of the date, time, and location for the appeal hearing. The hearing will normally take place within three to five business days, subject to the Director of Public Works' availability, following receipt of the notice of appeal. Customers may request one continuance for a period not to exceed three business days upon a showing of good cause.

The Director of Public Works will hear the appeal and render a final decision at the conclusion of the hearing in writing. At the hearing, customers have the right, but not the obligation, to present documents, call witnesses, and have counsel. For purposes of the appeal, the water bill is presumed valid and the burden of proof rests with the customer to demonstrate otherwise. Except as may be expressly provided by law, the decision of the Director of Public Works shall be final and there shall be no right to appeal to the City Council.

Water service will not be discontinued while the appeal is pending. In the event the appeal is denied, water service may be discontinued, without further written notice, no sooner than three days after the hearing if payment is not made in full.

#### **IV. Alternative Payment Arrangements for Qualifying Customers.**

Under certain qualifying conditions, customers who are facing a residential water service disconnection may be eligible to participate in alternative payment arrangements.

##### **--Who may qualify?**

Customers who are able to demonstrate each of the following are eligible to participate in an alternative payment arrangement:

**First requirement:** the customer, or a tenant of the customer, must submit to the City a certification of a primary care provider that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where service is provided. For purposes of this requirement, a “primary care provider” means either of the following: (i) any internist, general practitioner, obstetrician-gynecologist, pediatrician, family practice physician, nonphysician medical practitioner, or any primary care clinic, rural health clinic, community clinic or hospital outpatient clinic currently enrolled in the Medi-Cal program, which agrees to provide case management to Medi-Cal beneficiaries.

**Second requirement:** the customer demonstrates to the satisfaction of the City a financial inability to pay for water service within the normal billing cycle. A customer is deemed financially unable to pay 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 Woman, Infants, and Children, or the customer declares that the household’s annual income is less than 200 percent of the federal poverty level.

**Third requirement:** the customer agrees in writing on a form provided by the City to comply with the alternative payment arrangement proposed by the City.

##### **--How to request an alternative payment plan?**

If a customer believes he or she qualifies to participate in an alternative payment plan, the customer must contact the City as soon as possible at the phone number below, but in no event after the time to appeal the water bill has expired, to inform the City that the customer intends to submit information to establish eligibility to participate in an alternative payment arrangement. After such notice is provided, the customer must submit documentation demonstrating he or she meets the first two requirements described above no later than five (5) calendar days after the date set for the intended service disconnection.

It is the customer’s obligation to ensure the timely submission of complete and satisfactory documentation demonstrating eligibility. If the information is not submitted in a timely manner or if the information is incomplete, the City will provide notice of a new intended disconnection date no earlier than five (5) calendar days after mailing. In such a circumstance, the only way to avoid the disconnection of service is the payment, in full, of all delinquent charges.

**--What alternative payment options are available?**

At its election, City may offer you one of two alternative payment plans for the delinquent amount. *Customers who are approved for an alternative payment plan for a delinquent amount must still keep current with ongoing water service billing or water service may be disconnected.*

**Temporary deferral of payment.** For delinquencies less than \$300, the City may offer customers the opportunity to temporarily defer payment of the delinquent amount to a certain date in the future. The deferment applies only to the delinquent amount and customers must still pay, when due, all current charges for water service.

**Amortization of unpaid amount.** The City may offer customers the opportunity to amortize the delinquent amount over a period not to exceed twelve (12) months at the City's election.

**V. Contacting the City and Additional Information.**

If you have questions or to provide notice to the City under this Policy, please direct your inquiry or notice to:

City Clerk  
PO Box 458  
111 Greenwood Rd  
Blue Lake, CA 95525-0458  
Phone: (707) 688-5655

For more information, please visit the City's website at <https://bluelake.ca.gov/>.