

RESOLUTION NO. 2482

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOWLER
APPROVING A RESIDENTIAL WATER SERVICE DISCONTINUATION POLICY**

WHEREAS, on February 1, 2020, the State of California's Water Shutoff Protection Act ("Act") became effective; and

WHEREAS, the Act requires urban water suppliers to adopt a policy regarding the discontinuation of residential water service for nonpayment; and

WHEREAS, on March 19, 2019, the City of Fowler adopted Ordinance 2019-01 which updated those provisions of the City Municipal Code that relate to the discontinuation of residential water service for nonpayment; and

WHEREAS, the City of Fowler, in compliance with the Act, wishes to adopt the Residential Water Service Discontinuation Policy attached hereto as **Exhibit 1**.

NOW THEREFORE, IT IS HEREBY RESOLVED, by the City Council of the City of Fowler that:

- I. The City of Fowler Residential Water Service Discontinuation Policy attached hereto as Exhibit 1, is hereby approved and is effective immediately.

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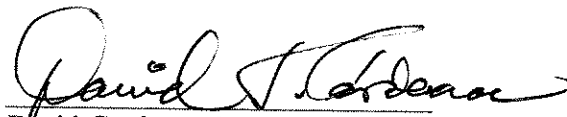
The foregoing Resolution No. 2482 was passed and adopted by the Fowler City Council on November 17, 2020, by the following vote:

AYES: Cardenas, Hammer, Kazarian, & Parra

NOES: None

ABSENT: Rodriguez

ABSTAIN: None


David Cardenas, Mayor

ATTEST:


Jeannie Davis, City Clerk

EXHIBIT 1

City of Fowler
Residential Water Service Discontinuation Policy
October 19, 2020

I. Purpose of the Residential Water Service Discontinuation Policy

The purpose of this document is to outline the Residential Water Service Discontinuation Policy (“Policy”) for the City of Fowler (“City”). The Policy sets forth the principles and objectives that should guide the City’s decisions regarding the discontinuation of residential water service when the account is delinquent. The primary objectives of this Policy are to: establish timelines for discontinuation of water service, describe notice requirements, establish payment arrangement options for those seeking to avoid discontinuation, establish a formalized mechanism for customers to appeal or review bills, establish reconnection fee exceptions, and describe notice requirements pertaining to residential tenants/occupants.

This Policy has been developed in accordance with California Health and Safety Code sections 116900-116926 (“Water Shutoff Protection Act”), as well as the guidance set forth in the City’s Municipal Code sections 6-4.707, 6-4.709, and 6-4.1109. It should be noted that this Policy only applies to residential potable water service, and does not include commercial water service, nor does it include any other services provided by the City.

II. Standard Discontinuation Timeline

An account shall be deemed delinquent if full payment for service has not been received within thirty (30) days from the issuance of the bill. Customers will be subject to discontinuation after their payment has been delinquent for sixty (60) days or more. Delinquent customers will be notified via written notice of their impending discontinuation at least seven (7) business days before discontinuation for lack of payment.

Notices will be mailed to the residence to which residential service is provided. If the account holder does not live at the residence where service is provided, a notice will also be mailed to the billing address of the account holder. In that situation, the notice mailed to the residence where service is being provided will be addressed to “Occupant”.

The City will make a reasonable attempt to contact an adult person residing at the premises subject to discontinuation by telephone or personal contact at least 24 hours prior to termination of water service. If the City is not able to contact a person residing at the premises, the City shall post a notice of termination of service at least 48 hours prior to termination.

Customers may call the City Finance Department to discuss their account and ways to avert discontinuation at (559) 834-3113 ext. 100 (business hours are Monday-Friday, 8:00 a.m. – 5:00 p.m., lunch from 12:00 p.m. – 1:00 p.m.).

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If a customer's service is discontinued for nonpayment, the City will provide information to the customer on how to restore service to their property.

These discontinuation policies only apply to customers who are subject to discontinuation for nonpayment of water services. Individuals may have their water shutoff immediately for any of the reasons provided in Municipal Code section 6-4.1109, subdivision (a).

III. Written Notices

All written notices under this Policy must include the following:

- Customer name and address
- Amount of delinquency
- Date by which payment or arrangement for payment is required in order to avoid discontinuation of residential service
- Process to apply for an extension of time to pay the delinquent charges (see Section IV)
- Process by which customer may request a deferred payment or payment arrangement (see Section IV)
- Procedure to petition for bill review and appeal (see Section V)

IV. Deferred Payments and Other Payment Arrangements

Circumstances may arise when customers are unable to make a scheduled residential water service payment. In such circumstances, they may request to defer payment or set up a payment arrangement. The City of Fowler shall offer either of the following:

Deferred payment – customers may be granted a one-time deferral of the entire statement balance for a period not exceeding twelve (12) months.

Payment arrangement – customers may be granted the opportunity to pay the statement balance over a period not exceeding twelve (12) months. This may be done over weekly, bi-weekly, or monthly installments.

These options will be available to customers only one time per twelve (12)-month period. Customers shall fill out and sign any arrangement in a form prescribed by the City. It should be noted that, while a customer is paying a particular billing-cycle balance on either a deferred payment or payment arrangement, they must stay current on both the arrangement and the current services.

A customer may be subject to discontinuation of residential water service if they are sixty (60) days late on either their deferred payment or payment arrangement

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described above, or sixty (60) days late on or their current services payment. Customers will be notified according to Policy Sections II and III of any imminent discontinuation.

If a customer fails to comply with their payment arrangement with the City for sixty (60) days, or fails to pay their current residential service charges while under a payment arrangement with the City for sixty (60) days, the City may discontinue residential water service within five (5) days after City posts a final notice of intent to disconnect service at the location of where water service is being provided.

V. Appeals

Any customer wishing to appeal their bill, or notice of discontinuation for residential water service, shall direct such appeals, in writing, to the City Clerk at 128 S. 5th Street, Fowler, CA 93625. Appeals of bills must be received no later than the billing due date of the bill being appealed. Appeals of discontinuation of residential water service must be received no later than five (5) business days prior to the water shutoff date. The scope of the appeal shall be limited to a particular bill that is due, or the discontinuation of service notice.

City of Fowler staff will review the written appeal and contact the customer to discuss all circumstances surrounding the appeal. Once all facts and circumstances have been discussed and reviewed, the decision of the Finance Director will be made and thereafter communicated to the customer. Discontinuation of residential water service will not occur while an appeal is pending. However, adjustments to the billing can either decrease or increase the amount, and all amounts due from the billing cycle will be due immediately upon the completion of the appeal process, or subject to such terms of an alternate payment arrangement should the parties agree as such.

VI. Service Reconnection Fees

Service reconnection fees shall be set by Council resolution, and must be paid prior to water service being reconnected. (See Fowler Municipal Code section 6-4.1109, subd. (t).)

Pursuant to the Water Shutoff Protection Act, reconnection fees should be set at fifty dollars (\$50) for reconnections during normal business hours, and one hundred and fifty dollars (\$150) for reconnection during non-business hours.

Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index (CPI) beginning January 1, 2021.

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VII. Residential Tenants/Occupants in an Individually Metered Residence

The City shall make a reasonable, good-faith effort to inform tenants/occupants, by means of a written notice, when the water service is in arrears and subject to disconnection at least ten (10) days before water service is shut off. The written notice will advise the tenant/occupant that they have the right to become customers of the City without being required to pay the amount due on the delinquent account, as long as they are willing to assume financial responsibility for subsequent charges for water service at that address. In order for this arrangement to proceed, the tenant/occupant must provide verification of tenancy by submitting to the City a signed authorization from the recorded owner of the property where service is being requested.

The City is not required to provide residential water service to any applicant who is unable to meet the City's terms and conditions for service.