

RESOLUTION NO. 2621
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOWLER
ADOPTING A RESIDENTIAL WATER SHUTOFF POLICY

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

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

WHEREAS, the City Council of the City of Fowler adopted Ordinance 2019-01 on March 19, 2019, and Resolution No. 2482 on November 17, 2020, regarding residential water shutoff for nonpayment; and

WHEREAS, Resolution No. 2482 created the Residential Water Service Discontinuation Policy; and

WHEREAS, the City Council of the City of Fowler now wishes to update the Policy; and.

WHEREAS, the City Council of the City of Fowler wishes to updated the fee amount for the reconnection of residential water service, and to add it to the City's Master Fee Schedule.

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

1. Resolution No. 2482 is hereby repealed.
2. The City of Fowler Residential Water Service Discontinuation Policy is hereby replaced with the Residential Water Shutoff Policy and incorporated herein as part of this Resolution and shall be effective on January 1, 2023.
3. The residential water service reconnection fee is hereby set pursuant to the attached Master Fee Schedule.

PASSED APPROVED AND ADPOTED on January 17, 2023 at a special meeting of the City Council of the City of Fowler by the following vote:


AYES:Parra, Mejia, Gill, & Hammer

NOES:None

ABSTAIN: None

ABSENT: Kazarian

APPROVED:


Daniel T. Parra, Mayor

ATTEST:


Angela Vasquez, Deputy City Clerk

**City of Fowler
Residential Water Shutoff Policy**

SECTION I Purpose

- a) Purpose. The Policy sets forth the principles and objectives that should guide the City's decisions regarding the shutoff of residential water service when the account is delinquent.
- b) Authority. This Policy has been developed in accordance with California Health & Safety Code sections 116900-116926 ("Water Shutoff Protection Act"), as well as the Fowler Municipal Code.
- c) Scope. This Policy only applies to shutoff of residential water service for nonpayment. This Policy does not include commercial, industrial, or institutional water service, or any other services provided by the City. Accounts may have their water shutoff immediately for any of the reasons provided in Municipal Code section 6-4.1109(a).
- d) Questions. Questions about this policy and discontinuation of service can be directed to the Finance Director at (559) 834-3113.

SECTION II Definitions, Shutoff Criteria, and Timeline

- a) Residential Service. Residential Service shall have the same meaning as California Health & Safety Code section 116902(c) "single-family residences, multifamily residences, mobilehomes, including, but not limited to, mobilehomes in mobilehome parks, or farmworker housing."
- b) Monthly Water Bill. The Monthly Water bill is sent by the City to the Account Holder reflecting the current and unpaid balance due for water usage.
- c) Delinquency. An account is delinquent if full payment of the Monthly Water Bill has not been received within thirty (30) calendar days from mailing.
- d) Late Fees. When the Monthly Water Bill is not paid within the appropriate timeframe a late fee will be assessed, as per Council Resolution.
- e) Eligibility for Shutoff. Accounts are subject to shutoff when any amount due has been delinquent for sixty (60) calendar days or more.
- f) Service Address. The physical location in Fowler where residential water service is provided.
- g) Billing Address. The location where the monthly water bill is sent via USPS First Class Mail.

- h) Account Holder. The person whose name appears on the monthly water bill.
- i) Mailing of Water Shutoff Notice. Delinquent accounts will be noticed via USPS First Class Mail of the impending shutoff at least ten (10) calendar days before shutoff for lack of payment. If the billing address is different from the service address, a notice will also be addressed to "Occupants" at the Service Address.
- j) Contents of Water Shutoff Notice. The Water Shutoff Notice shall be mailed separately from the monthly water bill. The front of the envelope in red capital letters shall state "WATER SHUTOFF NOTICE." The Water Shutoff Notice shall contain, at a minimum, the Account Holder name, Billing Address, Service Address, Date on which water will be shutoff, City contact information and hours, notice of availability of this Policy upon request and online, process to apply for an extension, deferral or payment plan, and the process to appeal. The Water Shutoff Notice shall advise Occupants they have the right to become Account Holders without being required to pay the amount due on the delinquent account, as long as Occupants meet the City's requirements for water service, and are willing to assume financial responsibility for subsequent charges at the Service Address.
- k) Water Shutoff Notice Personal Service. A copy of the Water Shutoff Notice shall be posted on the front door of the property, or other prominent location at least 48 hours prior to shutoff.
- l) Water Shutoff Telephone Call. City staff shall attempt to contact the account holder at least 48 hours and 24 hours prior to shutoff, if a telephone number is on file.
- m) Water Shutoff Timeframe. Water shutoff shall only occur Monday through Thursday between the hours of 8:00 a.m. and 3:00 p.m. Water shutoff shall not occur on weeks of a City holiday.
- n) Water Shutoff Posting. Once water has been shutoff, a notice measuring at least 11 inches by 17 inches shall be posted on the front door of the property, or other prominent location, and state in capital letters of at least 150-point font "WATER HAS BEEN SHUTOFF." The Posting shall also provide the City Hall address, a telephone number, and reconnection of water service timeframes. The Posting shall have a copy of the Water Shutoff Notice attached.
- o) Reconnection Of Residential Water Service. Requests for reconnection of residential water service must be made between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday for same-day reconnection. Residential water service is not reconnected after hours or on weekends.
- p) Reconnection Fee. The reconnection fee shall be set by Council Resolution pursuant to Section VII(a)(1) below.

- q) Payment Prior to Reconnection. Prior to reconnection, accounts must pay the entire delinquent balance, or enroll in a Payment Plan. Pursuant to FMC 6-4.1109(f), a reconnection fee must be paid prior to Reconnection.

SECTION III Payment Plans

- a) Payment Plan. Payment Plan shall mean an arrangement with the Account Holder or Occupant in the form of a Monthly Repayment or Temporary Deferral.
- b) Shutoff. Account Holders or Occupants with an active payment plan, who are in compliance with the Plan, shall not be subject to water shutoff in relation to the amount due on the payment plan.
- c) Eligibility. Accounts Holders with a delinquent balance of \$100 or more are eligible for a Payment Plan. Certain Account Holders or Occupants may eligible for different arrangements as described in Sections VII and VIV.
- d) Frequency. Account Holder are only eligible to enroll or participate in a payment plan once per calendar year.
- e) Monthly Repayment. If Eligible for a Payment Plan, Delinquent Account Holders may make monthly payments across twelve (12) months, or an amount of twenty-five dollars (\$25) per month, whichever is greater. Monthly Water Bill payments shall still be made. Late fees on the amount of the Temporary Deferral shall not be incurred.
 - 1. Non-Compliance. Failure by Account Holder to comply with the terms of the Monthly Repayment or payment of the Monthly Water Bill for a period of sixty (60) days will result in the automatic discontinuation of the Payment Plan.
- f) Temporary Deferral. If Eligible for a Payment Plan, a one-time Temporary Deferral of twelve (12) months shall be offered. Monthly Water Bill payments shall still be made. Late fees on the amount of the Temporary Deferral shall not be incurred during the deferral period. After the end of the Temporary Deferral, late fees shall resume at their prescribed rate.
- g) Payment Plan Agreement. The Account Holder must enter into a written Payment Plan Agreement with the City. Monthly notices regarding the Payment Plan will not be sent. The City Manager or designee shall promulgate agreements and documents necessary to implement this Section.
- h) Delinquency while on a Payment Plan. While on a Payment Plan, if the Account Holder becomes Eligible for Shutoff for subsequent Delinquent balances, the existing Payment Plan will automatically discontinue. The remaining balance due on the Payment Plan shall revert to a Delinquent balance. The account holder will not be eligible to enroll in a Payment Plan until the next calendar year.

SECTION IV Appeals

- a) **Appeal Process.** Account Holders may appeal a Monthly Water Bill or a Water Shutoff Notice in writing to:

City Clerk
128 South 5th Street
Fowler, CA 93625

- b) **Appeal Timeframe.** Appeals must be received no later than five (5) calendar days prior to the water shutoff date.
- c) **Appeal Review.** City of Fowler staff will review the written appeal and consider the facts related to the water billing process. The shall be made by the Finance Director and thereafter communicated to the appellant.
- d) **Shutoff Abeyance.** Pursuant to California Health & Safety Code section 116908, subdivision (b), if an adult at the residence appeals the water bill, the City will not discontinue residential service while the 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 a payment plan should the parties agree as such.

SECTION V Residential Tenants/Occupants in an Individually Metered Residence

Occupants must provide verification of tenancy by submitting satisfactory documentation to the City, such as, but is not limited to, a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Section 1962 of California Civil Code. 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.

Section VI Translations

Pursuant to California Health & Safety Code sections 116906 and 116922, this Policy and all written notices required by the Water Shutoff Protection Act (California Health & Safety Code section 116900 et. seq.) shall be provided in English and Spanish.

Section VII Annual Disconnection Reporting

Pursuant to California Health & Safety Code section 116918, the City shall report the annual number of residential water service shutoffs for inability to pay on the City's website and to the State Water Resources Control Board.

Section VII **Account Holders and Occupants Below 200 Percent of the Federal Poverty Line**

- a) Pursuant to California Health & Safety Code section 116914, for Account Holders or Occupants who demonstrate household income below 200 percent of the federal poverty line, the City shall:
 - 1) Set a reconnection of service fee for reconnection during normal operating hours at fifty dollars (\$50), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.
 - 2) Waive late fees on delinquent bills once every 12 months.
- b) The City shall deem an Account Holder or Occupant to have a household income 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 Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the Account Holder or Occupant declares the household's annual income is less than 200 percent of the federal poverty level.

Section XIV **Circumstances where Initial Discontinuation of Service is Prohibited**

- a) Pursuant to California Health & Safety Code section 116910, the City shall not discontinue residential service for nonpayment only if ALL of the following conditions are met:
 - 1) The Account Holder, or Occupant of the Account Holder, submits to the City the certification of a primary care provider, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (b) of Section 14088 of the California Welfare and Institutions Code, 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 residential service is provided. AND
 - 2) The Account Holder or Occupant demonstrates they are financially unable to pay for residential service within the normal billing cycle. They shall be deemed financially unable to pay for residential service within the normal billing cycle if any individual living at the Service Address 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 Account Holder or tenant declares the household's annual income is less than 200 percent of the federal poverty level. AND

- 3) The Account Holder or Occupant is willing to enter into a payment plan, as described in this Policy, with respect to all delinquent charges.
- b) If the conditions a through c above are met, the City shall offer the Account Holder a Payment Plan consistent with this policy.
- c) Account Holders issued a Payment Plan consistent with Section VIV shall be subject to water shutoff under the following conditions:
 - 1) A Water Shutoff Notice is posted at least ten (10) calendar days prior to shutoff on the front door of the property, or other prominent location.
 - 2) The Account Holder or Occupant has failed to comply with the terms of a Payment Plan for sixty (60) calendar days or more.
 - 3) The Account Holder or Occupant, while on a Payment Plan, has failed to pay their current residential service charges for sixty (60) calendar days or more.

CITY OF FOWLER
Master Fee Schedule
**** Public Works ****

Water

Description	Rate	Reso	Date
Water Usage, first 10,000 gallons	\$24.24	2332	9/1/2015
Water Usage, each additional 1,000 gallons	\$2.42	2332	9/1/2015
Deposit to start water service	\$100.00	96-1663	10/15/1996
Late payment fee, after 15th of the month	15% of current bill	Ord 2019-01	3/19/2019
Water Hydrant Meter Deposit	\$2,000.00	Ord 16-2	2/17/1976
Reconnection Fee, during business hours	\$50.00	2482	11/17/2020
Reconnection Fee, after business hours	\$150.00	2482	11/17/2020
Reconnection Fee ^	\$56.00	2621	1/17/2023

^ Adjusted on July 1 annually based on a 12 month percentage change in the U.S. Bureau of Labor Statistics Consumer Price Index (CPI) series "All items in San Francisco-Oakland-Hayward, CA, urban wage earners and clerical workers, not seasonally adjusted" for the most current month data is available. Rounded to the nearest whole dollar.

Red bold denotes changes.