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## ORDINANCE NO. 71

### AN ORDINANCE TO ESTABLISH A POLICY FOR DISCONNECTION OF WATER SERVICE FOR NON-PAYMENT AND AMENDING FORESTVILLE WATER DISTRICT ORDINANCE NO. 64, ARTICLE 12 OF ORDINANCE NO. 2, AND PRIOR AMENDMENTS THERETO

BE IT ORDAINED by the Board of Directors of Forestville Water District (the "District"), Sonoma County, California, as follows;

Delinquent Account: Delinquent accounts are hereafter defined as any account with charges for service that remain unpaid (and without having made arrangements for deferred or reduced payments, established an alternative payment schedule, or submitted to contest or appeal the past due bill) by close of business twenty-five (25) days after issuance of the bill on which the unpaid charges were established. The following rules apply to the collection of delinquent accounts:

1. Small Balance Accounts: Any balance on a delinquent account of \$20 or less may be carried over, and added to, the next billing period without incurring a late fee or further collection action. Such action may be taken at the District's discretion.
2. Late Fees: A late fee in the amount set forth in Ordinance 65, or any subsequent Ordinance, will be charged to delinquent accounts.
3. Alternative Payment Arrangements: Any customer who is unable to pay for service within the normal payment period may request an alternative payment arrangement to avoid a late fee or disruption of service. The District will consider all circumstances surrounding the request and make a determination as to whether the payment arrangement is warranted.

The following shall constitute bases upon which the District will grant a request for an alternative payment arrangement:

- a. Certification by Primary Care Provider: Certification by a Primary Care Provider (General Practitioner, Obstetrician/Gynecologist, Pediatrician, Family Practice Physician, Primary Care Clinic, Hospital, or Outpatient Clinic) who certifies that the termination of service will be life-threatening or pose a serious threat to the health and safety of any resident of the premises where service is provided.

- b. Financially Unable to Pay: The customer demonstrates that he or she is financially unable to pay for service within the District's normal billing cycle. The customer shall be deemed financially unable to pay for service within the District's normal billing cycle 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.
- c. The customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment, consistent with the written policies herein, with respect to all delinquent charges.

Customers may contact the District at (707) 887-1551 to discuss options to avoid discontinuation of service. Requests for Alternative payment arrangements should be submitted to the District in writing at 6530 Mirabel Rd, Forestville, CA 95436.

Alternative payment arrangements may include any of the following accommodations:

- a. Amortization of the unpaid balance.
- b. Participation in an alternative payment schedule.
- c. A partial or full reduction of the unpaid balance financed without additional charges to other ratepayers.
- d. A temporary deferral of payment.

Alternative payment arrangements must be in writing and signed by the customer and a District representative. The District may choose which of the above options the customer undertakes and may set the parameters of that payment option. Ordinarily, the repayment option offered should result in repayment of any remaining outstanding balance within 12 months. The District may grant a longer repayment period if it finds the longer period is necessary to avoid undue hardship to the customer based on the circumstances of the individual case. Customers may not request an alternative payment arrangement for any subsequent unpaid charges while an alternative payment arrangement is in place. Failure to comply with the terms of an alternative payment arrangement will result in the issuance of a written disconnection notice, which will be issued no less than five (5) days prior to discontinuation of service.

- 4. Additional Notifications: As a courtesy, the District will make a reasonable, good faith effort to notify the customer that the account remains past due and further collection action will be forthcoming approximately 60 days after bill issuance. The means of notification will be based upon the notification preference (text, phone, or email) selected by the customer. Customers who have not selected a means of notification may be notified by door-hanger, phone, or email. The District assumes no responsibility for phone or email contact information that has not been kept up-to-date by the customer.

5. Written Disconnection Notice: The District shall not discontinue water service for non-payment until payment by the customer has been delinquent for at least 60 days. The District shall contact the customer in writing at least 7 business days before discontinuation of water service for non-payment. The written disconnection notice will be mailed to the mailing address designated on the account. If the mailing address and the address of the property to which water service is provided are different, a second notice will be mailed to the service address and addressed to "Occupant". The written disconnection notice will include:

- Customer's name and address
- Amount that is past due
- Date by which payment or payment arrangements are required to avoid discontinuation of service
- Description of the process to apply for an amortization plan
- Description of the process to dispute or appeal a bill
- District phone number and a web link to the District's written collection policy

- a. Notice to Residential Tenants/Occupants in an Individually Metered Residence: The District will make a reasonable, good faith effort to inform the occupants, by means of written notice, when the water service account is in arrears and subject to disconnection at least 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 District 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 the amount due on the delinquent account to be waived, the tenant/occupant must provide verification of tenancy in the form of a rental agreement or proof of rent payments.
- b. Notice to Tenants/Occupants in a Multi-Unit Complex Served Through a Master Meter: The District will make a reasonable, good faith effort to inform the occupants, by means of written notice hung on the door of each residence, when the water service account is in arrears and subject to disconnection at least 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 District 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 the address(es) served by the master meter. If one or more of the occupants are willing and able to assume responsibility for the subsequent charges for water service to the satisfaction of the District, or if there is a physical means, legally available to the District, of selectively terminating service to those occupants who have not met the requirements for service, the District will make service available to the occupants who have met those requirements.

6. Disconnection Deadline: All delinquent water service charges and associated fees must be received by the District by 5:00 p.m. on the day specified in the written disconnection notice.
7. Disconnection of Water Service for Non-Payment: The District will disconnect water service by turning off, and in some cases locking off, the meter. Before service is disconnected, the customer will be notified by a written disconnection notice at least 7 business days prior to termination. The customer will be charged a fee to re-establish service in the billing system regardless of whether the meter has physically been turned off. The meter will be locked in the off position if payment is not received within 7 days of initial termination and a disconnection fee will be assessed.
8. Re-establishment of Service: In order to resume or continue service that has been disconnected for non-payment, the customer must pay a re-establishment fee. The District will endeavor to reconnect service as soon as practicable but, at a minimum, will restore service before the end of the next regular working day following payment of any past due amount and delinquent fees attributable to the termination of service. Water service that is turned on by any person other than District personnel or without District authorization may be subject to fines or additional charges or fees. Any damages that occur as a result of unauthorized restoration of service are the responsibility of the customer. Information on how to re-establish service will be provided at or before the time service is disconnected.
9. Re-establishment of Service After Business Hours: Service restored after 5:00 pm Monday through Friday, weekends, or holidays will be charged an after-hours re-establishment fee. Service will not be restored after regular business hours unless the customer has been informed of the after-hours re-establishment fee and has signed an agreement acknowledging the fee and agreeing to contact the District's billing department no later than noon the following business day to pay the subject fee. The after-hours reestablishment fee is in addition to the regular re-establishment fee and the late fee for a past due account. District staff responding to service calls are not permitted to collect payment but will instruct the customer to contact the billing department before noon the following business day. Services that are off and locked cannot be re-established after hours.

Sometimes water service is discontinued because the service is a new account and the District has not received a request to establish service. If service is being restored after regular business hours because the customer has yet to establish service, the customer must agree to contact the billing department to establish service the next business day and the after-hours reestablishment will be waived. If service is discontinued for any reason not identified above, the service should be restored as quickly as possible and the customer advised to contact the billing department to resolve the issue. No after-hours re-establishment fee will be charged in this instance.

10. Notification of Disposition of Returned Check: Upon receipt of a returned check taken as payment of water service or other charges, the District will consider the account not paid. The District will make a reasonable, good faith effort to notify the customer by phone or email of the returned check. A 48-hour notice of termination of service due to a returned check will be generated. The means of notification will be based upon the notification preference (text, phone or email) selected by the customer. Customers who have not selected a means of notification will be notified by phone. If the District is unable to make contact by text, phone, or email, a good faith effort will be made to visit the residence and leave a notice of termination of service.

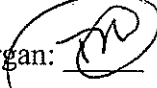

Water service will be disconnected if the amount of the returned check and the returned check charge are not paid on or before the date specified in the notice of termination. All amounts paid to redeem a returned check and to pay the returned check charge must be in cash, credit card or certified funds.

11. Returned Checks for Previously Disconnected Service: In the event a customer tenders a non-negotiable check as payment to restore water service previously disconnected for non-payment and the District restores service, the District may promptly disconnect service without providing further notice. No 48-hour notice of termination will be given in the case of a non-negotiable check tendered for payment of water charges that were subject to discontinuance.

Any customer issuing a non-negotiable check as payment to restore service turned off for nonpayment will be required to pay cash, credit card or certified funds to restore future service disconnections for a period of 12 months from the date of the returned payment.

12. Disputed Bills: If a customer disputes the bill and exercises their right to appeal to the Board of Directors, the District will not disconnect water service for non-payment while the appeal is pending.
13. Effect on Ordinance No. 2: Except as otherwise amended by this Ordinance, the provisions of Ordinance No. 2 remain in full force and effect.
14. Taking Effect: This Ordinance shall take effect on February 1, 2020.

In regular session of the Board of Directors of the Forestville Water District, finally PASSED AND ADOPTED Ordinance No. 71 this 14<sup>th</sup> day of January, 2020 on regular roll call of the members of the said Board by the following vote:

Bandettini: absent Aldridge: NA McDermott: Aye Morgan:  Hughes: 

Ayes: 4

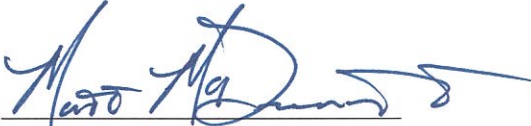
Noes: 0

Absent: 1

Abstain: 0

SO ORDERED.

By:

  
Vice Chair, Board of Directors  
Forestville Water District

I hereby certify that the foregoing Ordinance was duly passed and adopted by the Board of Directors of the Forestville Water District, Sonoma County, California, at its regular meeting thereof held on the 14<sup>th</sup> day of January, the year 2020.