

Sunnyslope County Water District

Policy & Procedure Committee

A G E N D A

FEBRUARY 7, 2023

SPECIAL MEETING: 10:00 AM

Teleconference & Board Conference Room



3570 Airline Hwy., Hollister, CA

Mission Statement:

“Our Mission is to provide safe, reliable, and high quality water and wastewater services to our customers and all future generations in an environmentally and financially responsible manner.”

PUBLIC ACCESS TO DISTRICT MEETINGS CAN BE OBTAINED THROUGH THE FOLLOWING ACCESS POINTS:

ZOOM MEETING ACCESS LINK

<https://us06web.zoom.us/j/82011618576>

Passcode Not Required

Or Telephone: Dial + 1 (669) 444 9171 and when prompted enter Meeting ID: 820 1161 8576

Passcode Not Required

COVID PROTECTION GUIDELINES

Per the San Benito County meeting guidelines all attendees must comply and wear a face covering if not fully vaccinated. If providing proof of vaccination attendees will not need to wear a face covering. Virtual meeting access will continue to be provided until further determined by the District Board; All attendees must comply with any other rules of procedures/instructions announced by the Board of Directors or as directed by Staff. The meeting will be available through Zoom for those who wish to join remotely. Anyone requiring accommodations may contact the Main Office at (831) 637-4670 a minimum of 24 hrs prior to the start of the meeting.

- A. CALL TO ORDER
- B. ROLL CALL – Director Jerry Buzzetta, Director James Parker
- C. PUBLIC COMMENT – Members of the public may address the Committee on any District business not on the agenda, with a time limit of three minutes per speaker.

District Staff: Drew Lander - General Manager, Barry Kelly - Finance and Human Resources Manager

Regular Session

D. POLICY REVIEW

1. **Review of existing policy 7120:** General Manager will guide committee review of current policy regarding meeting conduct and provide direction for any policy changes. No staff report.
Attachment: Policy 7120 – Meeting Conduct
2. **Review of existing policy Title 3, Article IV – Termination of Water Service:** The State of California has provided additional direction pertaining to service shut off due to non-payment. The General Manager will guide committee review of district policy and discuss any modifications that need to be made and presented to the Board for approval. No staff report.
Attachment: Title 3, Article IV, Water Shut Off Legal Alert
3. **Discuss new customer sign up procedures:** Staff will solicit input from the Committee regarding the process of initiating new account sign ups and renter vs. owner accounts. We currently perform background checks on all customers and take deposits when setting up new customer accounts. No staff report.
Attachment: Copies of District Application and Start/Stop Guidance sheet.

E. ADJOURNMENT

Upon request, Sunnyslope County Water District (SCWD) will make a reasonable effort to provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. SCWD will also make a reasonable effort to provide translation services upon request. Please submit a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service as soon as possible in advance of the meeting.

Next Regular Board Meeting – February 21, 2023 @ 5:15 p.m., District Office

AGENDA DEADLINE: 12:00 p.m. February 21, 2023

TITLE 3 – WATER SERVICE SYSTEM

ARTICLE IV. — TERMINATION OF WATER SERVICE

3.40.460 Notice to actual users.

Whenever the District provides water through a master meter or furnishes individually metered service in a multiunit residential structure, mobile home park, or farm labor camp where the owner, manager or farm labor employer is listed by the District as the customer of record of the service, the District shall make every good faith effort to inform the actual users of the services, when the account is in arrears, by means of a notice of proposed termination of water service.

- A. The notice required by this section shall inform the actual users of the water service that:
 - 1. Water service will be terminated in ten days; and
 - 2. Actual users have the right to become customers of the District without being required to pay the amount due on the delinquent account.
- B. The District is not required to make water service available to the actual users unless each actual user agrees to the terms and conditions of service and meets the District's requirements for water service. However, if one or more actual users are willing and able to assume responsibility for the entire account to the satisfaction of the District, or if there is a physical means, legally available to the District, of selectively terminating service to those actual users who have not met the District's requirements for water service, the District shall make service available to the actual users who have met those requirements.

3.40.470 Restrictions on termination.

The District shall not terminate residential water service for nonpayment in any of the following situations:

- A. During the pendency of an investigation by the District of a customer dispute or complaint;
- B. When a customer has been granted an extension of the period for payment of a bill;
- C. On the certification of a licensed physician and surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for water service within the normal payment period and is willing to enter into an amortization agreement with the District pursuant to Section 3.40.480, with respect to all charges that the customer is unable to pay prior to delinquency; or
- D. When a customer is complying with an amortization agreement, as provided for in Section 3.40.490, if the customer keeps the account current as charges accrue in each subsequent billing period.

3.40.480 Complaints — Requests for investigation.

Any residential customer who has initiated a complaint or requested an investigation within ten days of receiving the disputed bill, or who has, within thirteen days of mailing of the notice required by Section

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3.40.510, made a request for extension of the payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment, shall be given an opportunity for review of the complaint, investigation, or request by the general manager. The general manager shall notify the customer in writing by mail of his/her determination within ten days of receipt of the complaint.

3.40.490 Amortization agreements.

The review of the complaint or request shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time not to exceed twelve months. The District shall permit, upon request, any customer meeting the requirements of this section to amortize, over a period not to exceed twelve months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal period for payment. The delinquency charge of one-half of one percent on the delinquent balance shall continue to accrue on the amount being amortized.

3.40.500 Appeals.

Any customer whose complaint or request for an investigation pursuant to Section 3.40.480 has resulted in an adverse determination by the District may appeal the determination to the Board pursuant to Chapter 1.25 of the District's code.

3.40.510 Notice of termination.

The District may not terminate residential water service on account of nonpayment of a delinquent account unless the District first gives notice of the delinquency and impending termination.

3.40.520 Manner of delivery.

The notice shall be mailed, postage prepaid, to the customer to whom the service is billed.

3.40.530 Time of mailing and termination.

The notice shall be mailed not earlier than twenty-one days from the date of mailing the District's bill for services. The date of proposed termination shall be at least ten days after the date of mailing the notice.

3.40.540 Contents of notice.

Every notice of termination of residential water service pursuant to this chapter shall include the following information:

- A. The name and address of the customer whose account is delinquent.
- B. The amount of the delinquency.

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- C. The date by which payment or arrangements for payment is required in order to avoid termination.
- D. The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, except that if the bill for service contains a description of that procedure, the notice is not required to contain that information.
- E. The procedure by which the customer may request amortization of the unpaid charges.
- F. The procedure for the customer to obtain information on the availability of financial assistance, including private, local, State or Federal sources, if applicable.
- G. The telephone number of a representative of the District who can provide additional information or institute arrangements for payment.

3.40.550 Personal notice.

In addition to the written notice required above, the District shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone or in person at least forty-eight hours prior to any termination of water service. This notice shall include the items of information in subsections A, B, C, F, and G of Section 3.40.540.

3.40.560 Failure to comply with amortization agreement.

If a residential customer fails to comply with an amortization agreement, the District shall not terminate water service without giving notice to the customer at least forty-eight hours prior to termination of the conditions the customer is required to meet to avoid termination, but the notice does not entitle the customer to further review or investigation by the District.

3.40.570 Wrongful termination.

No termination of residential water service may be effected without compliance with this chapter, and any water service wrongfully terminated shall be restored without charge for the restoration of service.

3.40.580 Cessation of water service.

The District shall not, by reason of delinquency in payment for water service, cause cessation of that service on any Saturday, Sunday, legal holiday, or at any time during which the business offices of the District are not open to the public.

<p>California Department of Justice</p> <p>OFFICE OF THE ATTORNEY GENERAL</p> 	<h1>Legal Alert</h1>	
<p><i>Subject:</i></p> <p>The Water Shutoff Protection Act</p>	<p><i>No.</i></p> <p>OAG-2022-04</p> <p><i>Date:</i></p> <p>October 26, 2022</p>	<p><i>Contact for information:</i></p> <p>EJ@doj.ca.gov</p>

TO: All Urban and Community Water Systems

The Office of the California Attorney General issues this legal alert to remind all water systems of the requirements of the Water Shutoff Protection Act.

In 2019, the Legislature adopted Senate Bill 998, the Water Shutoff Protection Act (the Act), Health and Safety Code Sections 116900 *et. seq.*, increasing protections for residents facing termination of water service due to non-payment.¹ In enacting these protections, the Legislature recognized that water debt and residential water shutoffs threaten human health and well-being and “have disproportionate impact on infants, children, the elderly, low-income families, communities of color, people for whom English is a second language, physically disabled persons, and persons with life-threatening medical conditions.” (Sen. Bill. 998 (2017-2018 Reg. Sess.) §1, subd. (c).)

Although covered water systems were required to comply with the Act beginning in 2020, Governor Newsom issued Executive Order N-42-20 on April 2, 2020 due to the COVID-19 emergency, which temporarily prohibited the discontinuation of residential service for non-payment of a water bill. The COVID-19 emergency moratorium on residential water shutoffs expired in January 2022. The provisions of the Water Shutoff Protection Act remain in effect.

The Act applies to each “urban and community water system,” which it defines as “a public water system that supplies water to more than 200 service connections.” (§116902, subd. (d).) The Act applies only to the discontinuation of residential water service for nonpayment. (§§116906, subd. (a); 116902, subd. (c).) The Act does not apply to terminations due to an unauthorized action by a customer. (§116926.) The Act has several new requirements for termination of water service due to nonpayment, discussed below.

Urban and community water systems should immediately cease all water shutoffs that do not comply with the Act. Water systems that have not yet adopted compliant policies and made them available to the public must do so immediately. The State Water Resources Control Board and the California Public Utilities Commission have authority to issue citations with monetary penalties to non-compliant water systems. The Attorney General and the California Public Utilities Commission can enforce the Act by seeking a temporary or permanent injunction against non-compliant water systems.

¹ All statutory references are to the Health and Safety Code.

No Water Shutoffs Unless At Least 60-Days Delinquent

- Under the Act, an urban and community water system cannot discontinue service until a payment by a customer has been delinquent for at least 60 days. (§116908, subd. (a)(1)(A).)
- If service is discontinued for nonpayment, the water system is required to provide information about how to restore residential service. (§116912.)
- The Act also prohibits water shutoffs for residents who meet certain health and financial requirements and who are willing to make alternative payments. (§116910.)
- Reconnection fees are limited by the Act for residents with income below 200 percent of the federal poverty level and those residents are entitled to a waiver of interest charges on delinquent bills once every 12 months. (§116914.)

Written Policy Required

The Act requires every urban and community water system to have a written policy on discontinuation of residential water service for nonpayment. The policy shall include all of the following:

- (1) a plan for deferred or reduced payments;
- (2) alternative payment schedules;
- (3) a formal mechanism for a customer to contest or appeal a bill; and
- (4) a telephone number for a customer to discuss options to avoid discontinuation of service due to nonpayment. (§116906, subd. (a).)

This policy shall be available on a website if the provider has one. (§116906, subd. (b).) The policy shall be available in English, Spanish, Chinese, Tagalog, Vietnamese and Korean and any other language spoken by at least 10 percent of the people residing in the service area. (§116906, subd. (a); Civil Code, §1632.) If the water system does not have a website, the policy shall be provided to the customer upon request. (§116906, subd. (b).)

Telephone or Written Notification Requirements

The Act also addresses the notice which must be provided to the person listed on the water bill and provides notification protections for tenants, including:

- Notice must be provided to the person listed on the water bill at least 7 business days before the possible termination of service. (§116908, subd. (a)(1)(B).)
- If the customer's address is not the address of the property where water service is provided, notice must also be mailed to the property address, addressed to "Occupant."
- If the water system is unable to make contact with the customer or an adult occupying the residence by telephone, and written notice is returned as undeliverable, the water system is required to make a good faith effort to visit the residence and leave or make arrangements for placement in a conspicuous place a notice of imminent discontinuation for nonpayment and the system's discontinuation policy. (§116908, subd. (a)(2).)
- The notice must include the following: customer's name and address; amount of delinquency; date by which payment or arrangement for payment is required to avoid discontinuation of service; description of the process to apply for an extension of time to pay the delinquent charges; description of the procedure to petition for bill review and appeal; and description of

the procedure by which the customer can request a deferred, reduced, amortized or alternative payment schedule. (§116908, subd. (a)(1)(C).)

- Tenants of individually metered residences must be notified in writing that they have the right to become customers to whom water service will be billed without having to pay any of the delinquent amounts. (§116916, subd. (b).)

If an appeal is filed by “an adult at the residence,” a covered water system cannot terminate service while the appeal is pending. (§116908, subd. (b).)

Annual Reporting

An urban and community water system (as defined in the Act) is required to report annually to the State Water Resources Control Board on water shutoffs due to inability to pay and post the information on its website if it has one.

FAQ

As an additional resource, in 2020, the State Water Resources Control Board issued [an FAQ regarding the Act](#).

Start / Stop Service

To Start Service:

Please complete, sign, and date the application form and return it along with a clear copy of the applicant (and co-applicant, if applicable) **photo ID(s)** and the following supporting documents:

1. **New Owner** – A copy of the closing/ settlement statement or grant deed.
2. **Renter** – A copy of the signed rental/ lease agreement including the property owner's name and phone number.
3. **Agent** – A copy of the listing agreement or other written authorization from the seller.

There will be no exceptions to the water service application process. All documents must be submitted before water can be turned on.

Return the Application and Required Documentation:

1. **Dropbox:** Located to the left side of the entrance door.
3570 Airline Highway
Hollister, CA 95023
2. **Via FAX** – (831) 637-1399
3. **Email** – billing@sunnyslopedwater.org

Applications will not be processed over the phone.

Security Deposit:

A security deposit is required to be deposited at the time application for service is made. To qualify for no deposit or a reduced deposit, applicant may pursue one of the following options:

1. **No Deposit Required if:**
 - a. Applicant for service was a previous customer within the District at another location for more than three years, during the last thirty-six months of which the customer paid all bills promptly, **OR**
 - b. Apply to the District's Finance Manager for a credit report check. A \$50 processing fee will apply. If credit approved, no deposit will be required,

if denied, the \$50 fee will be applied to the required deposit.

2. **Reduced Deposit Required if:**
 - a. Applicant deposits ½ of the required deposit, **AND**
 - b. Applicant signs up for the District's in-house Auto-Pay service (using checking account method only) and remains on Auto-Pay in good standing for 36-months.

(Note: If Auto-Pay is cancelled for any reason during the first three-years of service, the deposit on account must be brought to the then current total deposit required. Applicant must also provide a copy of a voided check.)

Deposit Required:

Water	Sewer Customer of:	Sewer	Total
\$ 125	Sunnyslope	\$ 275	\$ 400
\$ 125	City of Hollister	\$ 175	\$ 300

Other Information:

If the water service is currently on, we may schedule the transfer of service on the next available service day. If the water service is off and you would like service reconnected the same day, we must receive the application and required security deposit by 3:00 p.m. If received after 3:00 p.m., there may be a \$ 175 after-hour call-out fee, or service can be restored the next business day.

To Stop Service:

Accounts are not closed automatically. We request notice of 2 working days to cancel your service. Please contact our Customer Service Department at (831) 637-4670 to close your account and update your mailing address. It is your responsibility to contact our office to discontinue service.

Water Service Forms:

Start Service Application Fill-In Form-Jan 25, 2016.pdf

Auto Pay Authorization Fill-In Form.pdf