

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 15,295

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD AUTHORIZING APPROVAL OF A POLICY FOR THE DISCONTINUATION OF RESIDENTIAL WATER SERVICE AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY AND APPROPRIATE ACTIONS TO CARRY OUT THE PURPOSE AND INTENT OF THIS RESOLUTION

WHEREAS, existing law declares it to be the established policy of the State of California that every human being has the right to safe, clean, affordable and accessible water adequate for human consumption, cooking and sanitary purposes; and

WHEREAS, on September 28, 2018 Senate Bill 998 (SB 998) was signed into law by the Governor amending the California Health and Safety Code and introduced new restrictions on the discontinuation of residential water service for delinquent utility accounts; and

WHEREAS, SB 998 was codified as "The Water Shutoff Protection Act," Health and Safety Code Section 116900, et seq.; and

WHEREAS, the requirements of SB 998 require the City of Oxnard (City) to have a written policy on the discontinuation of residential water services which will require the City to notify delinquent utility customers.

WHEREAS, SB 998 will also require the City to take a number of steps before discontinuing water service, and to also report the number of water discontinuations to the State of California; and

WHEREAS, The City must comply with the requirements of SB 998 by February 1, 2020.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OXNARD DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council of the City of Oxnard authorizes that the policy for the Discontinuation of Residential Water Service for Nonpayment is hereby approved, a copy of which is attached as Exhibit 1 and incorporated by this reference.
2. The City Manager is hereby authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

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PASSED AND ADOPTED THIS 7th day of January 2020, by the following vote:

AYES: Councilmembers Basua, Flynn, MacDonald, Madrigal, Perello and Ramirez.

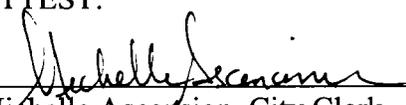
NOES: None.

ABSENT: Councilmember Lopez.

ABSTAIN: None.

  
\_\_\_\_\_  
Tim Flynn, Mayor 1/7/20

ATTEST:

  
\_\_\_\_\_  
Michelle Ascension, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stephen M. Fischer, City Attorney

**EXHIBIT 1**

**SB 998 - Discontinuation of Residential Water Service for Nonpayment Policy**

**REFERENCE**

This policy is established under the authority extended to the City of Oxnard by the California Health and Safety Code, Division 104, Part 12, Chapter 6, "Discontinuation of Residential Water Service."

**PURPOSE**

The purpose of this policy is to define the conditions and procedures for discontinuing residential water service due to an account holder's nonpayment of water charges, including how account holders and/or occupants are notified of this policy, how they may obtain a payment arrangement or alternative payment schedule, how they may contest or appeal water charges, and how they may restore service after it has been discontinued for nonpayment.

Pursuant to California Health & Safety Code section 116904, the City of Oxnard ("City") must provide a "Discontinuation of Residential Water Service" policy on or before February 1, 2020.

**POLICY**

It is the City's policy to notify residential customers of an impending discontinuation of residential water service due to nonpayment of water charges. Residential water service shall not be discontinued for nonpayment until the following three conditions are met:

- (1) water charges are delinquent for at least sixty (60) days;
- (2) the account holder and/or occupants have been notified of this policy in writing no less than ten (10) business days before discontinuation of service; and
- (3) the account holder has:
  - (a) failed to obtain or maintain a payment arrangement or alternative payment schedule with the Utility Billing Division for 60 days or more; or
  - (b) not timely contested or appealed the water charges to the Utility Billing Division;  
or
  - (c) not paid current water charges for 60 days or more.

These three conditions are further described as follows:

**Condition (1) – delinquent water charges**

For the purposes of this policy, water charges will be considered delinquent if all or part of the water charge has not been paid for at least 60 days from the billing date.

The City shall provide written or telephone notification to an account holder and/or occupant of the delinquent charges no less than ten (10) business days before discontinuation of residential service for nonpayment.

If the City fails to reach the customer by telephone or written notice is returned as undeliverable, the City shall make a "good faith effort" to visit the residence and leave, in a conspicuous place, notice of the imminent discontinuation for nonpayment and a copy of the this policy for discontinuation of residential water service. After termination, the City shall provide discontinued customers with information on how to restore residential water services.

Where the City provides individually metered residential water services, the City must provide renters and mobile home residents with written notice prior to discontinuation of service due to nonpayment by their landlord.

**Condition (2) – notification of this policy**

This policy will be provided to the customer and will include the following:

- (a) The account holder's name and service address;
- (b) The amount of the delinquency;
- (c) The date by which payment or an arrangement for payment is required in order to avoid discontinuation of water service;
- (d) Instructions on how to apply for a payment arrangement or alternative payment schedule; and
- e) Instructions on how to contest or appeal water charges.

Written Notice: a written notification shall be delivered either by U.S. mail, or by personal delivery. For those account holders who receive a paper utility bill, notice will be sent to the account holder's postal address and the service address, if the two addresses are not the same. When U.S. mail is not possible, personal delivery will be to the service address, and the notice will be left in a conspicuous place or wherever field personnel can safely post the notice.

**Condition (3)**

**(a) – obtaining payment arrangements or alternative payment schedules**

The City shall offer a payment arrangement or alternative payment schedule once the account holder submits the following information by the date indicated on the notice (See Condition (2)):

- (a) Certification of Primary Care Provider – this form (**Form 998-A**) certifies that discontinuation of water service poses a serious threat to the health and safety of residents living at the service address.
- (b) Certification of Financial Hardship – this form (**Form 998-B**) provides supporting documents and certifies that the residents living at the service address are unable to pay for water within the City’s normal billing cycle.

-OR-

Declaration of Household Income – this form (**Form 998-B2**) provides supporting documentation for the Certification of Financial Hardship and is used to declare that the household’s annual income is less than 200% of the federal poverty level.

The account holder shall submit the aforementioned forms to Utility Billing division, located at 214 South C Street; or via facsimile at (805)385-7865; or via email at C2GUtilities@oxnard.org. Upon receipt of the aforementioned forms, Utility Billing will contact the account holder within 15 business days and offer to enter into a payment arrangement in writing on a City-provided form (**Form 998-C**). Payment arrangements or alternative payment schedules may only be made between the City and the account holder. Once agreed upon, a payment arrangement or alternative payment schedule may not be extended or modified. A payment arrangement or alternative payment schedule shall be considered null and void if any part of it is not kept for 60 days or more, or if water charges contained in subsequent bills are not paid for 60 days or more (see Condition (3)(c) current water charges).

**(b) – contesting or appealing water charges**

An account holder may contest or appeal the accuracy of the charges or the customer’s liability for payment. Water charges may be contested or appealed by filing a written request with the City Clerk, located at 300 West Third Street, 4th floor. Matters such as the quality of service, rates of service, or the terms and conditions of a payment arrangement or alternative payment schedule may not be contested or appealed to Utility Billing.

**(c) – current water charges**

For the purposes of this policy, current water charges shall mean any charges billed after those that have been addressed by a payment arrangement or alternative payment schedule. Current water charges not paid for 60 days or more shall cause the water service to be shut off for nonpayment. Current water charges shall be ineligible for a payment arrangement or alternative payment schedule if a payment arrangement or alternative payment schedule for a previous bill is already in effect.

***Shutoff for Nonpayment***

If the above-three conditions are met, the City will post a final notice of impending water shutoff at the service address at least ten (10) business days before shutoff.

***Restoral of Service***

After service has been shutoff for nonpayment, Utility Billing shall provide information to the account holder on how to restore residential water service. Beginning February 1, 2020, a service disconnection fee will be \$40 and service restoral fee shall be \$40.00 during business hours and \$145.00 after business hours for all customers. Restoral fees shall be subject to annual adjustment for changes in the Consumer Price Index starting January 2021.

**Miscellaneous Policy Provisions**

***Languages.*** This policy, and all written notices required under this policy, will be available in English and Spanish.

***Contact.*** A City representative is available to speak with account holders during regular business hours at (805)385-7816 to discuss this policy as well as options for averting discontinuation of residential service for nonpayment.

***Posting of Policy.*** The City will post this policy on the City's website.

***Systems to Report Discontinuations.*** Utility Billing shall report the number of annual discontinuations of residential water service for inability to pay on the City's website and report to the State Water Resources Control Board.

***Applicability of Policy.*** This policy does not apply to the termination by the City of a service connection for any other purpose.

# Certification of Primary Care Provider

## CITY OF OXNARD UTILITY BILLING

**THIS SECTION TO BE FILLED OUT BY ACCOUNT HOLDER**

\_\_\_\_\_  
Account Number

\_\_\_\_\_  
Service Address

\_\_\_\_\_  
Account Holder Name

\_\_\_\_\_  
Person Receiving Primary Care

\_\_\_\_\_  
Date of Bill seeking Payment Arrangement

\_\_\_\_\_  
Amount of Bill seeking Payment Arrangement

I, the account holder, certify under penalty of perjury that the above-named person receiving primary care resides at the service address.

\_\_\_\_\_  
Account Holder Signature

\_\_\_\_\_  
Phone Number

**THIS SECTION TO BE FILLED OUT BY PRIMARY CARE PROVIDER**

\_\_\_\_\_  
Name of Primary Care Provider

\_\_\_\_\_  
Name of Clinic or Medical Facility

\_\_\_\_\_  
Clinic Address

\_\_\_\_\_  
Clinic Phone Number

\_\_\_\_\_  
National Provider Identifier

\_\_\_\_\_  
Person Receiving Primary Care

I, the primary care provider, certify under penalty of perjury that I provide care to the above-named person and that discontinuation of water service to this person would pose a serious threat to his or her health and safety.

\_\_\_\_\_  
Primary Care Provider Signature

**THIS SECTION TO BE FILLED OUT BY CITY STAFF**

## CERTIFICATION OF FINANCIAL HARDSHIP

### City of Oxnard Utility Billing

**THIS SECTION TO BE COMPLETED BY ACCOUNT HOLDER**

Account Number

Service Address

Account Holder Name

Number of Members in Household

Date of Billing seeking Payment Arrangement

Amount of Bill seeking Payment Arrangement

1. Which of the following forms of assistance are currently utilized by the household?  
(Only one member of the household need provide proof of assistance to complete this form.)

Assistance	Recipient(s) Name	Proof Required
Medi-Cal		Notice of Action from Ventura Co Human Services Dept.
SSI/SSP		Social Security Benefit Verification Letter
CalWorks		Notice of Action from Ventura Co Human Services Dept.
CalFresh		Notice of Action from Ventura Co Human Services Dept.
General Assistance		Notice of Action from Ventura Co Human Services Dept.
WIC		WIC Card + valid California ID
(None)	All household members	Declaration of Household Income –Form 998-B2

2. Certificate of Financial Hardship

I, the undersigned, declare under penalty of perjury under the laws of the State of California that I am the recipient of the above-indicated assistance, that I have provided proof of this, and that I am a member of household of the service address indicated above.

\_\_\_\_\_  
Recipient Name

\_\_\_\_\_  
Account Holder Name

**THIS SECTION TO BE FILLED OUT BY CITY STAFF**

Date & Time Received	Received By	Completed

## Declaration of Household Income City of Oxnard Utility Billing

**THIS SECTION TO BE COMPLETED BY ACCOUNT HOLDER**

Household Income Guidelines Effective February 1, 2020									
Number of People In Household	1	2	3	4	5	6	7	8	Each additional person
Maximum Gross Household Income	<b>\$24,980</b>	<b>\$33,820</b>	<b>\$42,660</b>	<b>\$51,500</b>	<b>\$60,340</b>	<b>\$69,180</b>	<b>\$78,020</b>	<b>\$86,860</b>	<b>\$8,840</b>

**LIST OF HOUSEHOLD INCOME**

List all household members currently residing at the service address, regardless of their earning status.  
Unearned income may include any monies from spouse/partner, SSI/SSD, welfare benefits, unemployment, Student grants, rental income, interest, dividends, cash, and /or gifts

Current Household Members (Last Name, First Name)	Relationship	Age	Employed? (Yes/No)	Employment Income (Monthly)	Unearned Income (Monthly)
1.	Head of Household				
2.					
3.					
4.					
5.					
6.					
7.					
8.					
<b>Employment and Unearned Income Totals:</b>					

**DECLARATION OF HOUSEHOLD INCOME (All household members 18 years of age or older must sign this declaration)**

**I, the undersigned, declare under penalty of perjury under the laws of the State of California that the above information is true and correct**

Print Name	Signature	Relationship
1.		Head of Household
2.		
3.		
4.		
5.		
6.		
7.		
8.		

**THIS SECTION TO BE COMPLETED BY CITY STAFF**

Date & Time Received	Received By	Completed By

## Agreement for Payment Arrangement City of Oxnard Utility Billing

**THIS SECTION TO BE COMPLETED BY CITY STAFF**

The following payment arrangement is proposed between City of Oxnard and the account holder named below. The account holder must sign this agreement for the payment arrangement to take effect.

Account Number \_\_\_\_\_

Service Address \_\_\_\_\_

Account Holder Name \_\_\_\_\_

Date & Amount of Bill seeking Payment Arrangement \_\_\_\_\_

**Payment Arrangement Schedule**

#	Minimum Payment Amount	Due By (Date)	Remaining Balance After Payment
1.			
2.			
3.			
4.			
5.			
6.			

- Per section 116910.(b)(2) of the California Health & Safety Code, City staff may choose the payment option the account holder undertakes and may set the parameters of that payment option.
- Payment arrangements or alternative payment schedules may only be made between City staff and the account holder.
- An account holder may only have one payment arrangement or alternative payment schedule per account at a time.
- A payment arrangement or alternative payment schedule shall be considered null and void if any part of it is not kept for 60 calendar days or more, or if water charges contained in current bills are not paid for 60 days or more.
- Current utility bill amounts must be paid in full by the billing date. Payment Arrangement amounts may be paid ahead of schedule or in excess of the scheduled amount. All payments will apply against the oldest charges first. Failure to pay current bill amounts by the bill's due date will result in shutoff of service as soon as those amounts are 60 days overdue.

**I, the account holder, agree to the payment arrangement described above.**

Account Holder Signature \_\_\_\_\_

Date \_\_\_\_\_

**THIS SECTION TO BE COMPLETED BY CITY STAFF**

Date & Time received	Received By	Completed