PALMDALE WATER DISTRICT
RESOLUTION NO. 15-10

A RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT AMENDING THE PALMDALE WATER DISTRICT RULES AND REGULATIONS AS THEY RELATE TO NOTICE GIVEN TO DELINQUENT CONSUMERS AND ACTUAL USERS, INCLUDING AMENDMENT OF ARTICLE 8, SECTION 8.04 (G) TITLED "DELINQUENT BILLS" AND AMENDMENT OF ARTICLE 10, SECTION 10.02 TITLED "APPLICATION FOR SERVICE"

WHEREAS, District staff and the General Counsel have developed revisions to the Palmdale Water District Rules and Regulations in order to comply with District Utility Services Law, codified at Government Code §60370, et seq., and the requirements of the newly effective AB 2747;

WHEREAS, the District Utility Services Law requires the District mail a 10-day notice of disconnection of water services;

WHEREAS, the District Utility Services Law requires that the District "make every good faith effort to inform the actual users of the services" in advance of disconnection of water serves, when the account is delinquent on a multiunit residential structure, park, or farm labor camp, and more recently "single family dwellings" as a result of AB2747. (Gov. Code §60371(a).);

WHEREAS, the staff has presented evidence to the Board that the District does not have the ability or resources to ascertain the identify or specific unit addresses of all "actual users" of the District's water service in multiunit residential structure, park, or farm labor camp;

WHEREAS, the District obtains from customers the address for property managers and landowners of multiunit residential structure, park, or farm labor camp;

WHEREAS, by requiring consumers to provide a property manager's address when the consumer allows actual users other than the consumer to use water provided by the District, the District will ensure notice to the actual users through the property manager;

WHEREAS, AB 2747 added the requirement that a utility service district also provide the notice in six languages;

WHEREAS, the District Utility Services Law requires the District to make a reasonable, good faith effort to contact by mail or in person an adult at the premises prior to disconnecting water service, or mail notice when such telephonic or personal notice cannot be accomplished. (Gov. Code §60373(b).);

WHEREAS, staff has presented evidence that the District does not have the required staffing to attempt personal contact or phone calls to an adult at each residence. In order to achieve contact with an adult at each consumer's residence, the District will instead mail a second notice to each consumer's address seven days before disconnection to ensure 48-hour notice prior to disconnection of water service; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Palmdale Water District as follows:

Section 1: The above recitals are all true and correct and are hereby adopted as findings.

Section 2: Article 8, Section 8.04 (G) of the Palmdale Water District Rules and Regulations titled "Delinquent Bills" is hereby amended to read as follows:

G. Delinquent Bills: The following rules apply to Consumers whose bills remain unpaid after 25 days from the invoice date.

1. **Small Balance Accounts**. If any balance amounting to $10.00 or less remains unpaid, it shall be carried over and added to the next billing.

2. **Delinquent Balances**. If payment for a billing period is not made on or before the 25th day after the date of the invoice, a late charge will be assessed to the account as listed in Appendix D. The Consumer then has eight (8) days prior to issuance of a 48-Hour Mailed Disconnect Notice to settle the account. After receipt of the invoice and up to 2 days prior to the date set for disconnection, the Consumer may request an amortization payment plan pursuant to Article 8.04(J).

3. **Turn-Off Deadline**. Water service charges and late charges must be paid on or prior to 6:00 p.m. on the date specified on the 48-Hour Disconnect Notice.

4. **First Written Mailed Notice of Disconnection**. Upon assessment of a late charge on the account, no later than the 25th day after the date of the invoice and no less than 15 days before

the account is scheduled to be subject to disconnection, the District will mail notices to the Account Holder, *i.e.*, the person or entity responsible for the payment on the account, and to water users at the property address(es) served on the account (or to property managers, in the case of multi-unit properties), if that address is different from the Account Holder's mailing address, informing them of:

(1) The name and address of the Account Holder whose account is delinquent.

(2) The amount of the delinquency.

(3) The date by which payment or arrangements for payment pursuant to Section 8.04(J) is required in order to avoid termination.

(4) The procedure by which the Account Holder may initiate a complaint or request an investigation pursuant to Section 8.04(H) 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.

(5) The procedure by which the customer may request amortization of the unpaid charges, pursuant to Section 8.04(J).

(6) The procedure for the Account Holder to obtain information on the availability of financial assistance, including the District's Rate Assistance Program, or any private, local, state, or federal sources, if applicable.

(7) The telephone number of a representative of the District who can provide additional information or institute arrangements for payment pursuant to Section 8.04(J).

(8) Notice to the "Water User" in English, Spanish, Chinese, Tagalog, Vietnamese and Korean as follows:

NOTICE TO ALL PROPERTY OWNERS, LANDOWNERS, AND PROPERTY MANAGERS THIS NOTICE OF TERMINATION MUST BE PROVIDED TO TENANTS/RESIDENTS

WATER SERVICE TO BE TURNED OFF IN 10 DAYS

Date of Mailing:
Date of TurnOff:
Service Property Address:

TO THE WATER USER:

Water service to this address is scheduled to be discontinued in 10 days for non-payment. To avoid the loss of water service, you must contact your landlord, property manager or property owner regarding payment of the water bill.

Please call a customer service representative at (XXX) XXX-XXXX to learn how to continue water service at your address; receive an estimated monthly cost of water service, and obtain the address of the local office where you can speak to a customer care representative in person.

5. **Second Written Mailed Disconnection Notice**. At least seven days prior to actual disconnection, the District shall mail a

second notice to the account holder to ensure the Consumer receives notice at least 48 hours before disconnection. This second mailed notice shall include:

(1) The Account Holder's name and address

(2) The amount of delinquency

(3) The date by which payment must be made or arrangements for payment pursuant to Section 8.04(J) is required in order to avoid termination.

(4) The procedure for the Account Holder to obtain information on the availability of financial assistance, including private, local state, or federal sources if applicable.

(5) The telephone number of the District representative who can provide additional information or institute arrangements for payment pursuant to Section 8.04(J).

6. **Waiver of Second Mailed Notice to Public Agencies**. Because of usual sound financial base and variations in warrant payment procedures, public agencies will not be sent a 48-Hour Delinquent Notice for delinquent payment of current accounts.

7. **Notification of Rejected Payment Disposition**. Upon receipt of a rejected payment taken as remittance 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 Consumer of the rejected payment. Water service will be disconnected if the amount of the rejected payment, the rejected payment charge, and a deposit if required, are not paid within 48

hours of the date of notice. All amounts paid must be cash or certified funds.

In the event a consumer's payment is rejected for any reason and the rejected payment was tendered for water service disconnected for non-payment, and as a result the District restores the service, the District may again promptly disconnect service without providing further notice. No additional notices will be given in the case of a rejected payment tendered for payment of water charges that were subject to discontinuance.

8. **Rejected Payment-Issued to Restore Service**. Any Consumer whose payment is rejected for any reason and the payment was submitted to restore service turned off for non-payment, will be required to pay, for one year, cash or certified funds to have service restored if turned off again within this time period for non-payment.

Section 3: Article 10, Section 10.02 of the Palmdale Water District Rules and Regulations titled "Application For Service" is hereby amended to read as follows:

10.02: APPLICATION FOR SERVICE

Each applicant is required to contact the District office to apply for service. In most cases, this must be the Owner of the property. Residential/Multi-Family, Commercial/Industrial/Irrigation, and Realtor Applications are attached hereto as Appendix S. The District may request the following information, depending upon the type of service, either in application form or verbally by a customer service representative:

A. Contents:

1. Date applicant obtained ownership of property/requested date of activation.

2. Location and address of premises to be served, including the mailing address of a property manager of any multiunit residential structure, mobilehome park, or farm labor camp where the owner, manager or employer is the customer of record.

3. Applicant's Information.

4. Contact Information, including mobile telephone number, if the Consumer approves such method of communication from the District.

5. Agreement to assume any outstanding water charges for property where service is requested.

6. Agreement to abide by District Rules and Regulations.

7. Such other information and/or supporting documents as the District may reasonably require.

B. **Purpose:** The application is merely a written/verbal request for service and does not bind the applicant to take service for a period of time longer than that upon which the minimum charge is based; neither does it bind the District to serve, except under reasonable conditions and upon the approval of the Manager.

Section 3: Severability. If any section, subsection, paragraph, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this resolution, it being expressly declared that this resolution and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted, irrespective of the fact that one or more other section, subsection, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Board of Directors of Palmdale Water District held on May 27, 2015.

Kathy Mac Laren, President
Palmdale Water District

Joe Estes, Secretary
Palmdale Water District

Approved As To Form:

Patty Quilizapa
General Counsel