

Staff Report

for the Board of Directors' Meeting of January 22, 2020

TO: Board of Directors

FROM: Chip Close, Water Operations Manager
Aurora Tipton, Customer Service Administrator

DATE: January 13, 2020

**SUBJECT: Revisions to Sections 6.01 - 6.09 of the Rules and Regulations
(Consent)**

OPERATIONS

RECOMMENDATION:

Approve revisions to District Rules and Regulations, Section 6.01 – 6.09, Terms of Payment, as recommended by the Administrative Practices Committee.

BACKGROUND:

On September 28, 2018, Governor Brown signed Senate Bill 998 (SB 998), into law: The bill requires urban and community water systems that supply water to more than 200 service connections to have a written policy on discontinuation of water service to be available on the system's internet web site, and to provide written copies upon customer request. SB 998 also mandates that water systems may not discontinue residential water service for nonpayment until a payment has been delinquent for at least 60 days. Prior to disconnection, water systems must attempt to provide notice to customers by telephone or in writing. In addition:

- Water systems must offer eligible customers the ability to defer or amortize charges when all of the following conditions are present 1.) a primary care provider certifies that the discontinuation of water service will pose a serious or potentially fatal threat to a resident, 2.) the customer demonstrates inability to pay and 3.) the customer is willing to enter into an alternative payment arrangement. A customer can demonstrate an inability to pay based on the receipt of certain public assistance by someone in the household, or a declaration from the customer that the household is below 200 percent of the federal poverty level.
- Water systems must limit eligible customers' reconnection fees to no more than \$50 during regular business hours, and \$150 during non-regular hours.
- Water systems must attempt to provide notice to renters and master meter customers (mobile home/apartment residents) that service may be discontinued due to delinquent payments by the property owner, and that the

residents have the right to become customers of the water system without paying the past-due amounts on the property owners account.

- While staff cannot recall ever turning off service to a master meter customer, procedure to notify tenants when water may be turned off due to nonpayment has been added to section 6.01.01(d).
- Water systems must annually post on their websites the number of times the system has discontinued service due to inability to pay.

Treated water and annual raw water customers are divided into four billing cycles. Bills are for water usage from the 28-35 day period prior to issuance. Bills are mailed each Tuesday of the first through fourth weeks of each month. The following is a sample timeline from initial bill to turn off for a customer billed the first Tuesday of the month:

- **March 03, 2020** – March bill mailed, due on issuance.
- **March 13, 2020** – March bill becomes delinquent.
- **April 07, 2020** – April bill mailed, due on issuance. If March bill has not been paid, a delinquent reminder is printed on the April bill and a 1½ percent penalty is applied.
- **April 17, 2020 (on or after)** – If March bill remains unpaid, a courtesy delinquency notice is mailed to the occupant and landowner.
- **May 02, 2020 (on or after)** – If March bill has not been paid, a final turn-off notice is delivered to the door and a service call fee is billed to the account.
- **May 05, 2020** – May bill mailed, due on issuance. If March bill and/or April bill have not been paid a delinquent reminder is printed on the May bill and a 1½ percent penalty is applied.
- **May 12, 2020 (on or after)** – If March bill has not been paid or a payment arrangement has not been made with Customer Service, water may be turned off

Urban water suppliers not regulated by the Public Utilities Commission must comply with Senate Bill 998 on or after February 01, 2020, District Staff has modified Section 6 of the District's Rules and Regulations to ensure compliance. Redlined versions of the proposed changes are attached for reference.

Following review by the Administrative Practices Committee, staff met with legal counsel to ensure the policy changes meet the requirements of SB 998. At the recommendation of legal counsel, section 6.01.01(a) has been amended from:

“These sections of the policy and the delinquency notice shall be available in English and any other language spoken by at least ten percent (10%) of the people residing in the District's service area.”

To read:

“These sections of the policy and the delinquency notice shall be available in English, ***the languages listed in Section 1632 of the Civil Code***, and any other language spoken by at least ten percent (10%) of the people residing in the District's service area.”

Compliance with SB 998 does not align with the District strategic plan goals and is in opposition to goal number three “Developing and managing our resources in a self-determining manner protects and provides for local control of our community’s most valuable assets – a fairly priced and available water supply.”

BUDGETARY IMPACT:

SB 998 places limitations on cost of service fees for delinquent bills and limits the District’s ability to collect payment in a timely manner. This will have a negative impact to the District budget. The magnitude of impact is unknown at this time as it is dependent on the volume of delinquent accounts.

Attachment:

- Revised Rules and Regulations Section 6.01 – 6.09
- Draft Courtesy Delinquency Notice
- Schedule 6-A & 7-A

6.01

TERMS OF PAYMENT

By these Rules and Regulations, the District intends to comply with the requirements imposed by Public Utility Code §16481.1 and Health and Safety Code § 116916. The procedures outlined in those statutes, as may be amended from time to time, take precedence over these Rules and Regulations.

6.01.01 Treated Water and Annual Raw Water

(a) Policy on Payment of Bills and Service Discontinuation. Sections 6.01.01, 6.03, 6.07 and 6.09 of this policy shall constitute the District's policy on discontinuation of water service in accordance with California law. These sections of the policy and the delinquency notice shall be available in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by at least ten percent (10%) of the people residing in the District's service area. The policy shall be posted on the District's website. The District shall annually report the previous year's number of discontinuations of residential service for inability to pay on its internet website and report this information, if required, to the State Water Resources Control Board.

(b) Payment of Bills. All water charges are due and payable on issuance of the statement and are delinquent ten (10) days thereafter. If not paid:

Twenty-five (25) days from issuance - A delinquency penalty charge at the rate of 1 ½ percent, will be applied to each account's unpaid balance and monthly thereafter until paid.

Forty-five (45) days from issuance - A delinquency notice will be mailed. Delinquency notices will be mailed to the occupant and to the landowner. The delinquency notice issued in accordance with this section shall include the following: 1) the customer's name and address, 2) the amount(s) delinquent, 3) the date by which payment or arrangement for payment is required in order to avoid discontinuation of service, 4) a description of the process to apply for an extension of time to pay the delinquent charges, 5) a description of the procedure to petition for bill review and appeal, and 6) a description of the procedure by which the customer may request a deferred, reduced or alternative payment schedule, including an amortization of the delinquent service charges.

Sixty (60) days from issuance - A final turn-off notice shall be hand delivered to the service address and posted in a prominent and conspicuous location. A service charge as shown in Schedule 6-A shall be added to the account and included in the delinquent balance.

Seventy (70) days from issuance - Water service may be discontinued if the delinquent account balance has not been paid prior to the scheduled turn-off date. A charge, as shown in Schedule 7-A shall be made for turn-on. Once a service has been discontinued, the entire account balance must be paid prior to service being restored.

Customers can contact District customer service staff by calling 530-273-6185, to discuss options for averting discontinuation of service for nonpayment, including possible deferral and amortization.

Written request delivered to District customer service staff is the sole procedure by which residential customers may request a reduction in service charges. Reduction of service charges will be granted not more than once annually.

Customers may make advance payments to maintain water service during their absence. The billing will reflect the current credit balance until expended. Monies placed on deposit will not bear interest.

(c) Request for deferral or amortization for eligible customers. Written request, with supporting documentation, delivered to District customer service staff is the sole procedure by which residential customers may request deferred or alternative payment schedules, including amortization of service charges. Eligible customers are those that make written request and provide (1) certification of a primary care provider 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 customer's service address; and (2) the customer demonstrates that they are financially unable to pay for water service. A customer will be deemed financially unable to pay for service within the 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 provides proof that the household's annual income is less than 200 percent of the federal poverty level. Customers satisfying all of the foregoing criteria will be permitted to defer payment of delinquent charges by entering into an amortization agreement to allow the customer to pay the delinquent charges amortized over a three (3) month period, in addition to current charges that accrue for service each month. The amortization period in the agreement may be longer than three (3) months when District staff deems necessary, but shall not exceed twelve (12) months. If the customer fails to pay under the agreement for at least sixty (60) days, service may be discontinued with at least five (5) business days' notice posted at a prominent and conspicuous location at the property. Requests for deferral and amortization

of bills are available to residential customers only and should be made prior to discontinuation of service by contacting the District customer service staff.

Upon the restoration of service, reconnection fees for customers that are deemed unable to pay in the normal billing cycle shall not exceed \$50 for reconnection (“turn-on”) during normal operating hours, and shall not exceed \$150 for reconnection during nonoperational hours (“after hours). Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

(d) Termination of Water Service to Residential Occupants Served through a Master Meter.

The District serves water to residential occupants through a master meter and individual meters in multi-unit residential structures and mobile home parks, where the owner, manager, or operator is listed as the customer of record. Where the owner, manager or operator of a multi-unit residential structure or mobile home park or similar facility is listed by the District as the customer of record and the account is in arrears, every good faith effort will be made to inform the residential occupants by means of a written notice by posting copies of the notice in each common area and at each point of access to the structure or mobile home park or similar such area.

eff. 6/93; rev. 6/11/03, rev. 8/10/05, rev. 09/12/07; rev. 02/27/19; rev xx/xx/xx

6.01.02 Seasonal Irrigation Service

(a) Inside District Applicants. One-third of the total charges are due by April 1 or prior to receiving water. If there is a new owner, payment is due with the application.

eff. 03/11/98

One-third of the total charges due June 15, and if not paid by July 15, a notice of termination of service shall be mailed and a ten percent late payment penalty shall be added. If payment is not received by July 22, service may be turned off.

One-third of the total charges due August 15, and if not paid by September 15, a notice of termination of service shall be mailed and a ten percent late payment penalty shall be added. If payment is not received by September 22, service may be turned off.

A charge, as shown on Schedule 7-A, shall be made for turn-on.

(b) Outside District Applicants. One-half of the total charges are due by April 1 or prior to receiving water. If there is a new owner, payment is due with application.

One-half of the total charges due June 15, and if not paid by July 15, a notice of termination of service shall be mailed and a ten percent late payment penalty shall be added. If payment is not received by July 15, service may be turned off.

A charge, as shown on Schedule 7-A, shall be made for turn-on

rev xx/xx/xx

(c) Delinquencies. Applicants who are delinquent in the payment of water charges shall pay charges prior to District's acceptance of application for subsequent seasonal irrigation service or make satisfactory agreement with District for payment of same. An additional ten percent late payment penalty shall be added to all seasonal irrigation water accounts remaining unpaid on February 15.

eff. 6/11/03

6.01.03 Standby

All standby charges are due and payable on issuance of the statement. Standby charges are delinquent four months after issuance and may be transferred to the County Tax Rolls for collection.

eff. 6/11/03

6.02 MULTIPLE ACCOUNTS

Combining of two or more seasonal irrigation services for reduced rate purposes will be permitted when any of the following conditions are met:

(a) Applicant owns a single parcel of property and requires more than one seasonal irrigation service from different District facilities in order to serve this one parcel.

(b) Applicant owns more than one parcel or property which is served from the same canal system and operated as a single farming unit; and seasonal irrigation service is purchased for each

parcel under separate applications. Property must be owned and listed on the county assessor's roll under the applicant's name.

eff. 5/27/87

6.03 BILLING TO THE AGENT/RENTER

Water service accounts will only be established in the name of the property owner. Direct billing to the agent/renter can be made upon receipt of a written authorization from the property owner that the agent/renter has been designated as the agent of the property owner. Once direct billing has been authorized, the renter/agent shall not be required to pay any amount that may be due on the delinquent account for a period prior to tenancy. In order for the amount due on delinquent accounts to be waived for the renter/agent, the renter/agent must provide proof that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Nevertheless, the landowner is ultimately responsible for all payment delinquencies. If the owner desires a duplicate of the water statement which is sent to the agent/renter, a handling charge as shown in Schedule 6-A, will be applied.

rev. xx/xx/xx

6.04 NON-PAYMENT OF ACCOUNTS

Charges for water and other services, including penalties and supplemental charges, which are delinquent at the time specified for the delivery of outstanding charges to the county tax collector, may be added to and become a part of the annual assessment levied to the land upon which the service was rendered.

The District may refuse service to any land if outstanding charges for services already rendered such land are delinquent. (Section 22282.1 of the California Water Code)

The District may, under the provisions of Section 25806 of the California Water Code, record a lien on any or all lands owned or subsequently acquired by the person liable for such charges.

6.05 SECURITY DEPOSITS

The District may charge a security deposit, as shown in Schedule 6-A, for all outside District customers and for all inside District commercial accounts.

Deposits from commercial accounts shall be held for a period of one year. At the end of that period, the deposit may be applied to the account or refunded provided the account has been paid on a timely basis. Should a turn-off order be issued due to non-payment, a deposit equal to twice the highest bimonthly bill shall be required before the service can be turned on. Deposits from outside District customers, providing the account has been paid on a timely basis, are held for a period of one year. At the end of that period, the deposit may be applied to the water account and the balance, if any, shall be refunded.

eff. 8/12/87; rev. 6/11/03, rev. 09/12/07, rev. 02/24/16

6.06 RETURNED CHECKS

Checks returned by the bank unpaid shall be returned to the account. A return check fee, as shown in Schedule 6-A, shall be added to the water account and any other bank charges that may be assessed due to the returned item.

In the case where a delinquent bill is paid by check after the final turn-off notice has been delivered, and the check is returned unpaid by the bank, service may be immediately discontinued without further notice, provided that notice has been given in accordance with 6.01.01(b) of these Rules and Regulations. Prior to restoration of service, the account’s entire balance and any bank charge for a returned check must be paid in cash or by credit card before service will be continued.

eff. 2/13/85; rev xx/xx/xx

6.07 DISCONTINUANCE OF SERVICE

6.07.01 Non-payment of Bills

Water service may be discontinued if a bill for services rendered has not been paid within the time prescribed by the District. Water service may only be discontinued for nonpayment of bills

provided that notice has been in given in accordance with Section 6.01.01(b) of these Rules and Regulations. Eligible customers facing discontinuation for nonpayment who are unable to pay during the normal billing cycle will be offered an opportunity to amortize their delinquent bill as provided in Section 6.01.01(c).

6.07.02 Noncompliance with the District’s Regulations

If a customer fails to comply with any of these Regulations, the District will notify the customer of such failure. If the customer fails to comply within a reasonable time, the District may discontinue service.

rev XX/XX/XX

6.07.03 Customer Service Discontinuance Request

If the customer gives the District a written request to disconnect the service, the District will notify the customer of the legal and financial impact of such request.

6.08 OUTSIDE DISTRICT CUSTOMER CHARGES

Any installation charges, or monthly charges listed as schedules in these Regulations, will be increased by twenty-five percent for outside District customers.

rev. 04/25/06, rev. 09/12/07

6.09 CONTESTING OR APPEALING WATER CHARGES

If a customer believes their bill, a charge thereon, or a determination of delinquency is incorrect, the customer should immediately contact District customer service staff by phone or in person. If the customer still believes the bill is incorrect after contacting District staff by phone or in person, they may promptly appeal a bill in writing to the District office no later than fifteen (15) business days of issuance of a disputed courtesy notice. Customer appeal rights will lapse and be summarily rejected if not received by the District, in writing, within fifteen (15) business days of the issuance of the courtesy notice. Timely written appeals must state the reason(s) why the customer believes the bill is incorrect and may be mailed, emailed or delivered in person. The District may request additional information from the appealing customer and/or may refer the dispute to the Water and Hydroelectric (WHO) Committee to conduct a hearing, if such process will help in rendering a decision on the customer’s appeal. The District shall render a decision on written appeals in a timely manner, and

the decision will be considered final with respect to all charges then existing on the disputed bill. Service shall not be discontinued while a written appeal is pending providing the customer has paid any portion of the bill that is not under dispute/review (i.e. the monthly fixed charge).

Written appeal to the District is the sole procedure by which a customer may request reduced water charges. A reduction in water charges will be granted only upon a finding that there was an error in computation of the customer's water charges.

Rev. xx/xx/xx

Nevada Irrigation District
1036 W. Main Street
Grass Valley CA 95945-9424
(530) 273-6185

Account Number 12345-01
Account Name Any Name
Service Address 123 Any Street
Account Balance \$ 1,005.05
Due Date WEDNESDAY, MAY 1, 2019



AMOUNT ENCLOSED

\$

Customer
Mailing Address 1
Mailing Address 2
City ST Zip

Please return this portion with your payment - Make checks payable to: Nevada Irrigation District

COURTESY DELINQUENCY NOTICE

This is a courtesy notice informing you that your account is currently delinquent, and is scheduled to be disconnected.

If satisfactory payment or payment arrangements have not been made by **5:00 p.m. on Wednesday, May 1, 2019**, NID will begin collection efforts, **including suspending your water service**. If you believe your bill or this notice is incorrect you should immediately contact Customer Service at (530) 273-6185. If you still believe your bill or notice is incorrect after contacting Customer Service, you may appeal it in writing to the District's office within fifteen (15) business days of this courtesy notice, stating the reason(s) why you believe the bill or notice is incorrect.

If you are unable to pay, you may qualify for an extension or alternative payment schedule. Call Customer Service at (530) 273-6185 to discuss alternative payment options, including an amortization of your delinquent balance, and to determine whether you are eligible for these programs.

If satisfactory payment or payment arrangements have not been made by **5:00 p.m. on May 1, 2019**, one or more of the following may apply:

- You will receive a final turn-off notice.
- Additional fees and penalties will apply.
- Your service may be shut-off.
- The entire account balance (including all fees) must be paid before service can be restored
- Payment must be made by 4pm Monday -- Friday in order to have the service restored the same day. Otherwise, an after-hours turn-on charge will be assessed.

If your records indicate a recent payment, please contact the Customer Service Department at (530) 273-6185.

Account Number 12345-01
Account Name Any Name
Service Address

Due Date WEDNESDAY, MAY 1, 2019
Account Balance

SCHEDULE OF RATES AND CHARGES
BY NEVADA IRRIGATION DISTRICT

SCHEDULE 6-A
EFFECTIVE See below

**MISCELLANEOUS CHARGES
RENDERING AND PAYMENT OF BILLS**

DESCRIPTION	CHARGE	EFFECTIVE DATE
Duplicate of Water Statement (per billing)	\$ 2.00	09/26/1984
Turn off Notification Fee (Inside District)	10.00	09/26/1984
Turn off Notification Fee (Outside District)	12.50	09/26/1984
Outside District Security Deposit	50.00	09/26/1984
Return Check Fee	25.00	02/11/2015
Public Utility Easement Abandonment	50.00	01/01/1993
Water Availability Letter	50.00	01/01/1994
Variance Request	175.00	01/01/1994
Photocopies, per page	0.10	02/11/2015
Records on Compact Disc (plus postage if applicable)	5.00	02/11/2015
Encroachment Permit - County	190.00	07/01/2007

SCHEDULE OF RATES AND CHARGES
BY NEVADA IRRIGATION DISTRICT

SCHEDULE 7-A
EFFECTIVE FEBRUARY 11, 2015

SPECIAL SERVICE CALL

Special Service Call fee inside District:	\$ 65.00
Special Service Call fee after normal working hours:	150.00
Special Service Call fee outside District:	81.00
Special Service Call fee after normal working hours, outside District	188.00