

RESOLUTION NO. 19-95

1 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY  
2 OF LOS ANGELES, STATE OF CALIFORNIA AMENDING RESOLUTION NO. 18-73  
3 REGARDING CERTAIN WATER DISCONTINUATION OF SERVICE FOR  
NONPAYMENT POLICIES

4 WHEREAS, the City Council established existing water rates and policies  
through its approval of Resolution No. 18-73 on December 3, 2018; and

5 WHEREAS, on September 28, 2018, Governor Brown signed Senate Bill 998  
6 (SB 998), to minimize the number of Californians who lose access to water service due  
to inability to pay; and

7 WHEREAS, SB 998 finds all Californians have the right to safe, accessible, and  
8 affordable water as declared by Section 106.3 of the Water Code; and

9 WHEREAS, SB 998 provides additional procedural protections before  
10 residential water service can be discontinued for nonpayment; and

11 WHEREAS, SB 998 requires all urban and community water systems, public or  
private, that provide water to more than 200 service connections comply with the new  
12 law; and

13 WHEREAS, SB998 goes in to effect on February 1, 2020 for water system  
supplying water to more than 3,000 customers annually.

14 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA VERNE  
15 DOES HEREBY RESOLVE AS FOLLOWS:

16 Section 1. That Section A-20 of Resolution 18-73, relative to delinquency  
processing fee, is HEREBY AMENDED to read as follows:

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- 18 20. **Delinquency Processing Fee:** When a municipal service account  
19 becomes delinquent or if service has been discontinued by the City for  
20 nonpayment of bills, for illegal use of water service or for noncompliance  
with any provision of this Resolution, a fee of \$20 per service shall be  
21 charged to cover the cost to the City for special handling of the account  
and/or making service calls. An additional fee of \$40 shall be charged to  
22 reinstate existing services between the hours of 6:00 p.m. and 8:00 a.m.  
to cover City staff overtime costs. New customers requesting same day  
23 service for water will be granted only between the hours of 8:00 a.m. and  
3:00 p.m. After 3:00 p.m., a \$30 fee shall be charged to guarantee same day  
24 service (otherwise, water service shall be provided the following day).  
No fee shall be charged if water service is temporarily turned off during  
25 normal working hours at the consumer's request.  
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**Section 2.** That Section A-21 of Resolution 18-73, relative to failure to pay for service, is **HEREBY AMENDED** to read as follows:

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21. **Failure to Pay for Service:** If a consumer does not pay a municipal services bill and said bill becomes delinquent, the total unpaid balance shall be subject to a late penalty fee of five percent (5%) and may require an advance payment equal to the estimated bimonthly bill or a minimum advance payment of \$50 as determined by the City Manager or his designee based on past payment history. The fees shall be applicable each time an account becomes delinquent. If the consumer does not pay the delinquent bill and late penalty within forty-four (44) days of the mailing of the written notice to do so, water service may be discontinued unless the consumer requests and qualifies for a deferred payment plan, alternative payment schedule or bill appeal investigation, as set forth in herein. Service may again be established whether or not it has been physically disconnected, only after the consumer pays: 1) all delinquent amount owing; 2) the service reinstatement charge; 3) an advance payment as set forth in Section A-28; and 4) any other applicable charges. Any account for which payment is made by check and said check is returned by the bank on which it was drawn shall be considered as unpaid. Said check must be redeemed with cash prior to the account due date or the account will be subject to all late penalties and fees.

12 A consumer may request a deferred payment plan, alternative payment schedule or bill appeal investigation, as required by the following:

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- a. **Deferred Payment Plan:** Is a formal arrangement with the consumer, allowing an outstanding bill to be paid in two (2) installments. A consumer is eligible for a deferred payment plan if the following criteria are met: 1) No broken deferred payment plans in the past six (6) months; 2) No insufficient funds payments in the last 60 days; and 3) Consumer makes the required 25 percent down payment. The consumer is required to pay any new bills in full and on time, in addition to making the agreed-upon deferred payments.
  - b. **Alternative Payment Schedule:** Is a formal arrangement with the consumer, allowing an outstanding bill to be paid in within 12 months (six bills). A consumer is eligible for an alternative payment schedule if the following criteria are met: 1) No broken alternative payment schedules broken within the past twelve (12) months; 2) No insufficient funds payments in the last 60 days; and 3) Consumer makes the required 25 percent down payment. The consumer is required to pay any new bills in full and on time, in addition to making the agreed-upon alternative payments.
  - c. **Bill Appeal Investigation:** If a consumer believes the most recent bill is incorrect, the consumer must submit a written request to the City for a bill appeal investigation within ten (10) days of receipt of the bill. If the City Manager or his/her designee determines an investigation is warranted, water service will not be terminated until an investigation has been completed within ten (10) business days, and the consumer has been notified of the City's decision. The

consumer is required to pay any new bills in full and on time during the bill appeal investigation.

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2 **Section 3.** That this Resolution shall become effective immediately upon approval as the result of the December 16, 2019 adoption and shall be applicable to all municipal services bills prepared on or after February 1, 2020.

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4 **Section 4.** That this action is statutorily exempt from the California Environmental Quality Act, Section 15273 – Rates, Tolls, Fares, and Charges and City of La Verne environmental guidelines.

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6 **Section 5.** If any provision of this Resolution is held to be unconstitutional or unlawful, it is the intent of the City Council that such portion of this Resolution be severable from the remainder and that the remainder be given full force and effect.

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8 **Section 6.** That the Mayor shall sign and the Assistant City Clerk shall attest to the passage and adoption of this Resolution and thereupon the same shall take effect and be in force.

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10 **PASSED, APPROVED AND ADOPTED this 16<sup>th</sup> day of December 2019.**

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12 /S/ DON KENDRICK

13 Don Kendrick, Mayor

14 ATTEST:

15 /S/ Lupe Gaeta Estrella

16 Lupe Gaeta Estrella, Assistant City Clerk

17 **CERTIFICATION**

18 STATE OF CALIFORNIA )  
19 COUNTY OF LOS ANGELES) SS  
20 CITY OF LA VERNE )

21 I, Lupe Gaeta Estrella, Assistant City Clerk of the City of La Verne, DO HEREBY  
22 CERTIFY that Resolution No. 19-95, was duly passed and adopted by the said City Council at a regular meeting of the said Council held on the 16<sup>th</sup> day of December, 2019, and passed and adopted by the following vote:

23 AYES: Davis, Hepburn, Rosales, Carder, and Mayor Kendrick.  
24 NOES: None.  
25 ABSENT: None.  
26 ABSTAINED: None.

27 /S/ Lupe Gaeta Estrella

28 Lupe Gaeta Estrella, Assistant City Clerk