

RESOLUTION 2019-17

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT
AMENDING THE DISTRICT'S REGULATIONS GOVERNING
WATER SERVICE PART 6 – CUSTOMER ACCOUNT BILLING**

WHEREAS, SB 998 Discontinuation of Residential Water Service, also known as the Water Shutoff Protection Act was approved by Governor Jerry Brown and chaptered by the Secretary of State on September 28, 2018; and

WHEREAS, California law now requires every urban and community water system with more than 200 water service connections to comply with the SB 998 mandates as of February 1, 2020; and

WHEREAS, the existing BCVWD policy (Regulations Governing Water Service, Part 6) regarding customer account billing was reviewed, re-organized and rewritten to include and comply with the mandates set forth by SB 998; and

WHEREAS, the District's legal counsel has reviewed the revisions to the policy and legal recommendations and language have been included,

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District that the District's Regulations Governing Water Service – Part 6 – Customer Account Billing is hereby rescinded in its entirety and replaced with the content of Exhibit A, attached, effective February 1, 2020.

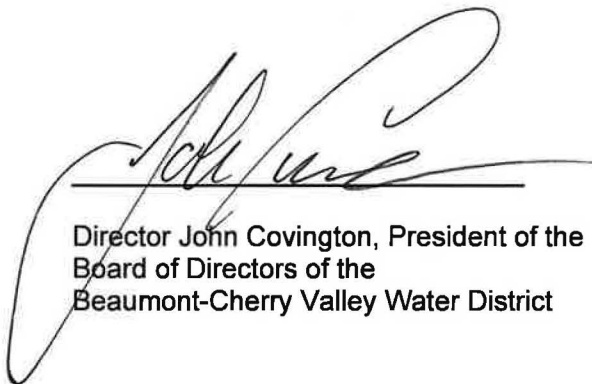
ADOPTED this 18th day of December, 2019, by the following vote:

AYES: Covington, Hoffman, Ramirez, Slawson, Williams

NOES:


ABSTAIN:

ABSENT:



Director John Covington, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District

ATTEST:



Director Andy Ramirez, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District



EXHIBIT A

BEAUMONT-CHERRY VALLEY WATER DISTRICT REGULATIONS GOVERNING WATER SERVICE PART 6 – CUSTOMER ACCOUNT BILLING AND COLLECTIONS

6-1 GENERAL PROVISION: The Board of Directors shall establish rates and charges for services provided by the Beaumont-Cherry Valley Water District as identified in Part 5 of the District's Regulations Governing Water Service and as provided for herein. The customer (consumer) and/or property owner is liable for all services subsequent to the date stipulated on the application and until such time as the customer (consumer) makes a formal request to the District to discontinue the service. A person or entity taking possession of premises and using water from an active connection without having made application to the District for water service shall be liable for the water delivered from the date of the last recorded reading.

6-1.1 CHARGES: Water charges shall begin when a water service connection is installed and the meter is set, or an existing service is requested to be turned on, unless the water is otherwise requested by the customer (consumer) to be left shut off when the service connection is ordered or installed. Thereafter, the District may transfer to the account which is established for such service, in accordance with California State Water Code Section 22282.1, any delinquent and/or unpaid charges from other closed or open accounts which are held by the customer (consumer) and/or property owner with the District.

6-2.1 RENDERING OF THE BILL: The regular billing period will be bi-monthly except all large-volume commercial and other accounts designated by the District, which will be billed monthly.

6-2.1.2 INFORMATION ON BILL: The bill will be in the form of a statement showing one (1) or more of the following: charge for water used, service charge, other charges, and a total amount due. In addition, the bill will show the customer's (consumer's) account number, the date of billing, the service location and the address to which the bill was mailed.

6-2.2 PERSON TO BE BILLED: Charges will be billed to the customer (consumer) noted in the application submitted in accordance with Part 4 of the District's Regulations Governing Water Service. The customer (consumer) shall notify the District of any change in ownership or occupancy of the premises at least three (3) calendar days prior to such change.

6-2.3 OPENING AND CLOSING BILLS: Opening and closing bills for less than the normal billing period shall consist of charges for actual water consumption and a proration of the availability charge.

6-2.4 PAYMENT OF BILLS: Bills for metered water service shall be rendered at the end of each billing period and are due and payable within fifteen (15) calendar days of issuance of said bill by the District. On the sixteenth (16th) day, any unpaid balance will be considered past due and delinquent. Delinquent accounts are hereafter identified as any account that remains unpaid without having established an alternative payment plan, an arrangement that extends into the next billing period and is signed by the customer (consumer), by close of business fifteen (15) calendar days after issuance of the water bill. Although the account is considered delinquent, a fifteen (15) calendar-day payment grace period will be granted automatically before the first penalty is imposed. A penalty will be imposed on any unpaid balance on the thirty-first (31st) calendar day after issuance of the water



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bill. The penalty imposed will be from the latest Resolution containing the Schedule of Administrative Cost Recoveries adopted by the Board of Directors (Attachment A).

All forms of cash payments, including checks and preauthorized withdrawals are accepted for payment. The District may accept credit cards as payment for bills as a convenience to customers (consumers). The District will charge a credit card processing fee as prescribed in the latest Resolution containing the Schedule of Administrative Cost Recoveries adopted by the Board of Directors (Attachment A).

6-2.5 ADJUSTMENT OF BILL: A bill based upon an estimated reading may be adjusted at the customer's (consumer's) request. All other adjustments will be made per Part 12-2 of the District's Regulations Governing Water Service. A request for adjustment must be made in writing stating the basis upon which the adjustment should be made. Within fifteen (15) calendar days after receipt of the request for adjustment, the District will notify the consumer of the findings.

6-2.6 DISPUTED BILLS AND APPEAL:

If a customer (consumer) disputes the water bill and exercises their right to appeal to the District, the District will not disconnect water service for non-payment while the appeal is pending, however, additional fees provided for herein will continue to apply.

Any customer in receipt of a notice of impending service discontinuation may appeal the delinquent rate, charge, or fee giving rise to the discontinuation notice, unless an appeal of the same rate, charge, or fee has previously been received and resolved. The customer shall file the appeal within fifteen (15) calendar days of receiving the disputed bill or by the due date printed on the original statement. The customer (consumer) may deliver a written notice of appeal on a form provided by the District that explains the basis for the appeal, including an explanation of any alleged errors in the District's billing practices. The appeal will be reviewed, heard, and resolved in accordance with the following procedure:

- a. The billing division supervisor shall review the appeal form and all materials submitted in support of the appeal and shall issue a tentative decision regarding the appeal within fifteen (15) calendar days from the date of receipt of the appeal.
- b. The billing division supervisor shall mail the tentative decision to the appellant.
- c. The customer has fifteen (15) business days from the date of the decision to accept the tentative decision or request a meeting/appointment with the billing division supervisor.
- d. If a meeting/appointment is requested, the billing division supervisor shall schedule and hold a meeting/appointment within thirty (30) calendar days.
- e. At least ten (10) business days prior to the meeting/appointment, written notice of the date and time of the meeting/appointment shall be mailed to the customer.



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- f. At the conclusion of the hearing, the billing division supervisor shall have fifteen (15) business days to issue a final, written decision justifying their decision. The billing division supervisor may grant the appeal and adjust or rescind the delinquent rate, charge, or fee under the following circumstances:
 - i. The rate, charge, or fee was erroneously calculated and therefore imposed in error due to a meter defect, accounting mistake, or other reason;
 - ii. In the interest of fairness or justice, extraordinary circumstances merit an adjustment or rescission of the rate, charge, or fee.
- g. Such decision shall be mailed to the appellant.
- h. The customer may appeal an adverse determination by the billing division supervisor to the finance and administrative services department supervisor.

6-2.7 DELINQUENT TENANTS AND/OR LANDLORDS: Delinquent charges or penalties for water service accumulated by a tenant in the tenant's name shall be collected from the tenant and not from any subsequent tenant. If a tenant fails to pay such charges or penalties, the property owner shall become responsible for the unpaid balance.

The following provisions apply where the District furnishes service through a master meter, or furnishes individually metered residential service to residential occupants of a detached single-family dwelling, a multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp as defined in California Health & Safety Code Section 17008, and the owner, manager, or operator of the dwelling, structure, or park is the customer of record. In addition to providing notice to the property owner consistent with Section 6.2-11 if this Policy, the District will implement the following measures:

At least ten (10) calendar days prior to discontinuing service, the District will make a good faith effort to inform the residential occupants in writing that the dwelling unit's account is delinquent and that service will be terminated. The written notice will inform the occupants that they may become a customer of record and accept bills for the unit's water service and that the occupants will not be held responsible for delinquent amounts owed by the existing customer of record. The written notice shall be in English and in the languages listed in Civil Code section 1632.

The District is not required to make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of service and meets the requirements of applicable law and the District's rules. However, if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the District's General Manager, or if there is a physical means legally available to the District of selectively terminating service to those residential occupants who have not met the requirements of the District's rules, the District shall make service available to those residential occupants who have met those requirements.



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Notwithstanding the foregoing, if the dwelling unit is a detached single-family dwelling unit, then the District will: (1) give notice to the occupant of service discontinuation at least ten (10) calendar days prior to the proposed discontinuation; and (2) require the occupant to verify that the delinquent account customer was the landlord, manager, or agent of the dwelling unit. Verification may include a lease or rental agreement, rent receipts, or other government document.

6-2.8 LATE FEES: A delinquency notice shall be mailed to customers (consumers) and/or property owners with an unpaid account balance thirty (30) calendar days from the date of bill issuance. Said delinquency notice shall indicate the amount which must be paid. The District will impose late fees as prescribed in the latest Resolution containing the Schedule of Administrative Cost Recoveries adopted by the Board of Directors (Attachment A).

6-2.9 SMALL BALANCE ACCOUNTS: Any balance on a bill of \$10 or less may be carried over, and added to, the next billing period without being assessed a late fee or incurring further collection action. Any payment on the account will first be applied to balances carried over before being applied to newly billed charges.

6-2.10 WAIVER OF LATE FEES: At the request of the customer (consumer), the District may waive the late fee if approved by the District, on a case-by-case basis, and the customer has not been assessed a late fee for delinquent payment in the preceding 12 months.

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 declares that his or her household's annual income is less than 200 percent of the federal poverty level, then the District will waive interest charges on delinquent bills once every 12 months.

6-2.11 WRITTEN DISCONNECTION NOTICE: The District will not discontinue water service for non-payment until payment by the customer (consumer) has been delinquent for a minimum of sixty (60) calendar days. The District will make a reasonable, good faith effort to contact the customer in writing at least thirty (30) calendar days before discontinuation of water service for non-payment. The written disconnection notice will be mailed to the mailing address designated on the account. If the mailing address and the address of the property to which water service is provided are different, a second notice will be mailed to the service address and addressed to "Occupant,": The written disconnection notice will include:

- Customer's (Consumer's) name and address
- Amount that is delinquent
- Date by which payment (or, if approved in accordance with Part 6-2.14, an alternative payment plan) is required to avoid discontinuation of service
- Description of the process to apply for a deferred, reduced, or alternative payment plan in accordance with Parts 6-2.14 and 6-2.15, including an amortization of the delinquent residential service charges, consistent with this Policy
- Description of the process to apply for an extension of time to pay for the delinquent service rate, charge, or fee



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- Description of the process to dispute or appeal a bill in accordance with Part 6-2.6
- District phone number and a web link to the District's customer (consumer) account billing and collections policy

If the written disconnection notice is returned through the mail as undeliverable, the District will make a reasonable, good faith effort to visit the residence and leave a written notice of discontinuance for non-payment.

Residential service shall not be terminated for nonpayment:

- Until a payment by a customer (consumer) has been delinquent for a minimum of sixty (60) calendar days
- During the pendency of an investigation by the District of a customer (consumer) dispute or complaint
- During any appeal of the District's decision to discontinue service
- When the customer has been granted an extension
- If all the following conditions are met (the "Need-Based Exemption"):
 - The customer (consumer), or the customer's tenant, submits the certification of a primary care provider that discontinuation of residential service will be life threatening or pose a serious threat to the health and safety of a resident of the premises serviced by the delinquent account;
 - The (customer) consumer declares that they are financially unable to pay for residential water service within the normal billing cycle, as demonstrated by a self-certification of qualifying as a "Low-Income Customer" whereby:
 - Any member of the household being 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, or Children; or
 - The household's annual income being less than 200 percent of the federal poverty level; and
 - The Customer is willing to enter into an alternative payment plan, an amortization agreement, or a plan for deferred payment, with respect to all delinquent charges over a period determined by the District based on the circumstances of the case

6-2.12 SPECIAL CONSIDERATIONS FOR LOW-INCOME CUSTOMERS

For a Low-Income Customer that qualifies for the Need-Based Exemption, the District will offer one or more of the following options for repayment of the delinquent rate, charge, or fee: (1) amortize the unpaid balance; (2) participate in an alternative payment schedule; (3) a partial or full reduction of the unpaid balance financed without an additional charges to other ratepayers; or (4) temporarily defer payment. The terms of the payment option will be in accordance with Parts 6-2.14 and 6-2.15 of this Policy and are expected to result in repayment within twelve (12) months, unless additional time is required to avoid undue hardship. If the customer breaches the agreed upon plan or does not pay their current residential services charges for sixty (60) calendar days or more, then service may be discontinued no sooner than five (5) business days after the



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District posts a final notice of intent to discontinue service in a prominent and conspicuous location at the customer's property.

6-2.13 TEN-DAY NOTICE OF TERMINATION

The District will make a reasonable, good faith effort to notify the customer (consumer) by phone ten (10) business days in advance of disconnection of water service for non-payment. The District will specifically do the following: (1) offer to provide a copy of this Policy; (2) offer options to avert the service discontinuation, including alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance; and (3) explain the process to request a review and/or appeal of the delinquent service rate, charge, or fee. The District assumes no responsibility for contact information that has not been kept up-to-date by the customer (consumer) and/or owner.

6-2.14 ALTERNATIVE PAYMENT PLANS:

Any customer (consumer) who is unable to pay for service within the current billing period may request that an alternative payment plan be considered by the District to avoid late fees or disruption of service. The current billing period is defined as beginning on the date of bill issuance. As there may be multiple billing periods open, new bills issued do not supersede bills issued for previous water service. A new bill does not extend the due date(s) of any previously unpaid balance(s). The District will consider all circumstances surrounding the request and make a determination as to whether the payment plan is warranted.

A payment plan will set forth a payment schedule for the unpaid balance over a period defined by the District. The payments will not be combined with the customer's (consumer's) regular bill. The customer (consumer) must comply with the terms of the payment plan and remain current as charges accrue in each subsequent billing period. The customer (consumer) may not request a further payment plan ~~of~~ for any subsequent unpaid charges while paying delinquent charges pursuant to a payment plan. Failure to comply with the terms of the payment plan will result in a ten-day notice of termination pursuant to Part 6-2.13.

6-2.15 DEFERRED OR REDUCED PAYMENT PLANS

The District may allow customers to defer or reduce delinquent rates, charges, or fees in accordance with the terms of this Part. The billing division supervisor is authorized to determine which of the payment options, described in 6-2.12 the customer undertakes and may set the parameters of that payment option provided that the repayment of any remaining outstanding balance occurs within 12 months. The District may grant a longer repayment period if it finds the longer period is necessary to avoid undue hardship to the customer based on the circumstances of the individual case. The District may approve a partial or full reduction of the unpaid balance to customers (consumers) meeting the "Need-Based Exemption" criteria detailed in Section 6-2.11, so long as that reduction is financed without additional charges to other ratepayers.

6-2.16 DISCONNECTION DEADLINE:

A residential customer may call the following phone number during normal business hours to discuss options to avert a service discontinuation: 951-845-9581. All delinquent water service charges and associated fees must be received by the District by 5:00 p.m. on the day specified in the written disconnection notice. Any account delinquent after



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said deadline will be inactivated in the District's billing system and subject to disconnection of water service with applicable charges/fees.

6-2.17 DISCONNECTION OF WATER SERVICE FOR NON-PAYMENT:

The District will disconnect water service by turning off, and in some cases locking off, the meter. The customer (consumer) will be notified pursuant to Parts 6-2.11 and 6-2.13 and charged a fee to re-establish service in the billing system. Any meter turned off will remain in the off position until payment is received in full, including all assessed fees.

6-2.18 RE-ESTABLISHMENT OF WATER SERVICE:

The District will promptly provide information regarding the procedures for restoring service to customers once their service is discontinued, including the payment of applicable reconnection service fees. For Low-Income Customers, the reconnection service fee will not exceed the District's actual cost to reconnect water service, up to a maximum of \$50 for reconnection during normal business hours and \$150 during nonoperational hours. The fee may be annually adjusted for changes in the Consumer Price Index beginning January 1, 2021.

In order to resume or continue service that has been disconnected for non-payment, the customer (consumer) must pay all outstanding charges. The District will endeavor to reconnect service as soon as practicable but, at a minimum, will restore service before the end of business following payment, so long as said payment is received during normal business hours. Water service that is turned on by any person other than District personnel or without District authorization may be subject to fines or additional charges or fees. Any damages that occur as a result of unauthorized restoration of service are the responsibility of the customer (consumer).

6-2.19 RE-ESTABLISHMENT OF WATER SERVICE AFTER BUSINESS HOURS:

Service restored after normal business hours, weekends, or holidays will be charged an after-hours re-establishment fee. Service will not be restored after regular business hours unless the customer (consumer) has been informed of the after-hours re-establishment fee and has signed the District's After hours Reestablishment Agreement acknowledging the fee and agreeing to pay the subject fee. The after-hours reestablishment fee is in addition to the regular re-establishment fee and the late fees for a delinquent account. District staff responding to service calls are not permitted to collect payment but will review the process requirements with the customer (consumer).

6-2.20 NOTIFICATION OF DISPOSITION OF RETURNED PAYMENT:

Upon receipt of notification of a returned payment (i.e. insufficient funds) for 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 customer (consumer) by phone of the returned payment. A 48-hour written notice of termination of service due to a returned payment will be generated and left at the residence.

Water service will be disconnected if the amount of the returned payment and the returned payment fee are not paid on or before the date specified in the notice of termination. All amounts paid to redeem a returned payment and to pay the returned payment fee must be paid for restoration of service. Additional fees may be applied to the account, including but not limited to, re-establishment and after-hours re-establishment fees.



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If the District receives three or more returned payments from the same customer (consumer) within a 12 month period, the account will be placed on a "cash payment only" status until further notice.

6-2.21 SERVICE CHARGES FOR VIOLATIONS:

If water service is discontinued for violation of any of the District's rules, regulations, resolutions or ordinances, service shall not be re-instituted until the violations have been corrected and all applicable service charges and fees as provided for herein are paid in full.

6-2.22 PARTIAL PAYMENTS: A partial payment of a delinquent account may be accepted and credited to a customer's (consumer's) account, but such partial payment shall not be cause for removing the account from a delinquent status and shall not preclude the meter from being turned off for delinquency. To avoid a disconnection, the balance must be paid in full by the disconnection deadline OR a payment arrangement must be in place.

6-2.23 AUTHORIZATION FOR CONTINUANCE OF SERVICE FOR DELINQUENT ACCOUNTS: The District may authorize continuation of service to a delinquent account if a payment plan satisfactory to the District has been established.

6-3.1 LIEN AGAINST PROPERTY FOR NON-PAYMENT: Any unpaid debt will be deemed a lien against the real property to which service is rendered as specified herein and in accordance with applicable law. The District is authorized to file a lien against the real property serviced with the Assessor-Clerk- Recorder of the County of Riverside for any charges sixty (60) calendar days delinquent. The District may charge a lien processing fee as prescribed in the latest Resolution containing the Schedule of Administrative Cost Recoveries adopted by the Board of Directors (Attachment A).

6-3.2 COLLECTION OF DELINQUENT AND UNPAID CHARGES: The County Assessor-Clerk-Recorder shall include the amount of charges of unpaid bills as a lien against the debtor's property until the unpaid charges are collected. A release of a lien will be filed with the County Assessor-Clerk-Recorder once the District recovers all funds due including any and all administrative cost recovery fees assessed and the account is brought current.

6-3.3 SUIT: All unpaid bills including penalties provided herein may be collected by suit. Defendant (customer [consumer] and/or property owner) shall pay all costs of suit in any judgment rendered in favor of the District including reasonable attorney's fees.

6-3.4 BANKRUPTCY: A customer (consumer) and/or property owner who files for bankruptcy and names the District as a creditor shall, as a condition to continued water service, make a cash deposit within twenty (20) calendar days of such filing in an amount equal to the security deposit collected in accordance with Part 4-1.5.



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ATTACHMENT A- SCHEDULE OF ADMINISTRATIVE COST RECOVERIES
Amended August 8th, 2012 – Resolution 2012-08

The Beaumont-Cherry Valley Water District hereby establishes the fees listed below as a means to recover administrative costs associated with managing and servicing customer accounts.

Credit Card Processing Fee	\$1.75 per transaction
Credit Check Fee	\$5
Late Fee	\$5 penalty assessed on the 31 st day
Termination Notice Charge	\$5 penalty assessed after the 45th day
Account Reinstatement Fee	\$50 penalty assessed for the restoration of customer's account
Resubmit Fee	\$5 penalty fee for checks that have to be resubmitted to the bank for processing
Returned Payment-Fee	\$25 penalty fee for returned items
Lien Fee	\$100 per occurrence/filing
Broken/Missing Lock Charge	\$20 per occurrence
Public Records, Copy Charges	\$0.25/per sheet
Public Records, Audio CD Charge	\$1.50