

## ORDINANCE NO. 2020-02

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, AMENDING TITLE 14, CHAPTER 14.02, SECTION 14.02.080 OF THE HESPERIA MUNICIPAL CODE, INCORPORATING THE PROVISIONS SET FORTH IN THE WATER SHUTOFF PROTECTION ACT (SENATE BILL 998)**

**WHEREAS**, in 1990, the Hesperia Water District ("District") was established as a subsidiary district of the City of Hesperia ("City"); and

**WHEREAS**, the District is charged with the control of the water system of the City for the purpose of obtaining, conserving and disposing of water for public and private uses; and

**WHEREAS**, Title 14, Chapter 14.02, of the Hesperia Municipal Code regulates the City's water and wastewater systems, and all things necessary or incidental to such systems, including but not limited to, the authority to set fees for service, billing procedures, and disconnection steps for non-payment; and

**WHEREAS**, on September 28, 2018, Senate Bill 998 was approved by the California State Governor, requiring water systems that supply water to more than 200 service connections to have a written policy on discontinuation of water service for nonpayment; and

**WHEREAS**, among its requirements, Senate Bill 998 requires the City:

- To maintain a written policy with (1) a plan for deferred or reduced payments; (2) alternative payment schedules for customers; (3) a formal mechanism for a customer to contest or appeal a bill; and (4) a telephone number for a customer to discuss options for averting the discontinuation of residential water services;
- Not to discontinue water services until customers have been delinquent for at least 60 days;
- To provide a written notice to the customers of their delinquent payment and impending discontinuation containing specific information;
- Do not discontinue water services for customers who meet certain medical and financial conditions;
- To limit the reconnection fee imposed on low income customers;
- Waive interest for low income customers once every twelve months;
- Report the number of annual disconnections of water services on its website; and
- Provide all written notices in English, Chinese, Spanish, Tagalog, Vietnamese, Korean, and any other language spoken by at least 10% of the people residing in the service area; and

**WHEREAS**, the City is subject to the requirements of Senate Bill 998 and must comply with its requirements by February 1, 2020; and

**WHEREAS**, Section 14.02.080 of the Hesperia Municipal Code does not satisfy all of the Senate Bill 998 requirements; and

**WHEREAS**, the City desires to comply with all of the requirements of Senate Bill 998; and

**WHEREAS**, the City would like to consolidate the requirements of Senate Bill 998 in a single document through the adoption of a policy and amend Section 14.02.080 to reference such policy.

**NOW, THEREFORE**, BE IT RESOLVED THAT THE HESPERIA CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein by this reference.

Section 2. Section 14.02.080(F) of the Hesperia Municipal Code is amended and shall now read as follows:

“Payment. Water and sewer service bills shall be due and payable in accordance with the policy adopted by city council resolution.”

Section 3. Section 14.02.080(G)(2) of the Hesperia Municipal Code is amended and shall now read as follows:

“Termination of Service Due to Non-Payment. Service shall be terminated for non-payment of bills in accordance with the policy established and adopted by resolution of the city council. Any amount due shall be deemed a debt to the district until paid in full.”

Section 4. Section 14.02.080(H) of the Hesperia Municipal Code is amended and shall now read as follows:

“Delinquencies. Accounts not paid on or before the due date on the bill will be subject to such fees as identified in the City’s adopted fee schedule.

1. Disconnected for non-payment. A meter disconnected for non-payment of bills shall not be reconnected, unlocked or turned on until all unpaid bills, applicable fees, and deposits have been paid to the district.”

Section 5. Section 14.02.080(O)(2) of the Hesperia Municipal Code is amended and shall now read as follows:

“Delinquency Defined. Water/sewer bills shall be deemed delinquent on the date the bill is issued. Delinquent charges for water/sewer services are imposed on those accounts which remain unpaid after twenty (20) days from the bill date.”

Section 6. The City Council of the City of Hesperia hereby declares that should any provision, section, paragraph, sentence, or word of this Ordinance hereby adopted be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by any reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words shall remain in full force and effect.

Section 7. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same to be published in a manner prescribed by law.

**ADOPTED AND APPROVED** by the City Council of the City of Hesperia, California, at a regular meeting held on this 7th day of January, 2020.

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Larry Bird, Mayor

ATTEST:

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Melinda Sayre, City Clerk

APPROVED AS TO FORM

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Eric Dunn, City Attorney