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# CITY OF POMONA COUNCIL REPORT

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January 27, 2020

To: Honorable Mayor and Members of the City Council

From: Mark Gluba, Acting City Manager

Submitted By: Andrew Mowbray, Finance Director/City Treasurer  
Robert DeLoach, Interim Water Resources Director

**SUBJECT: INTRODUCTION AND FIRST READING OF AN ORDINANCE  
AMENDING SECTION 62-299 OF THE POMONA CITY CODE AND  
TO APPROVE A RESOLUTION TO ADOPT A POLICY ON  
DISCONTINUATION OF RESIDENTIAL WATER SERVICE**

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## **RECOMMENDATION:**

It is recommended that the City Council adopt the followings:

- 1) RESOLUTION NO. 2020-10 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADOPTING A POLICY ON DISCONTINUATION OF RESIDENTIAL WATER SERVICE; AND,**
- 2) ORDINANCE NO. 4280 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING SECTION 62-299 OF THE POMONA CITY CODE PERTAINING TO WATER SERVICE BILLING, DELINQUENCY, AND DISCONNECTION FOR NONPAYMENT**

## **EXECUTIVE SUMMARY:**

In 2018, the State Legislature adopted Senate Bill 998 (Bill), which requires new and expanded customer protections regarding discontinuation of residential water service for nonpayment and related matters. The City must comply with the requirements of the Bill by having an adopted policy in place by February 1, 2020.

## **FISCAL IMPACT:**

Exact fiscal impact is unknown; however, it is not believed that the impact will be significant. Fees and charges for water service are to continue to be charged at the then current rate, with the

exception of certain disconnection charges, which are to be capped for qualified residential customers.

### **PUBLIC NOTICING REQUIREMENTS:**

There is no public notice requirement for an ordinance amending the Pomona City Code that does not set fees or charges.

### **PREVIOUS RELATED ACTION:**

None.

### **ENVIRONMENTAL IMPACT:**

The City's adoption of Resolution 2020-10 does not constitute a "project" for purposes of the California Environmental Quality Act ("CEQA") because it does not have a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and also constitutes continuing administrative activities relating to water service. (State CEQA Guidelines, § 15378(a), (b)(2).) Further, even if the adoption of the regulations were to constitute a project for purposes of CEQA, it is exempt pursuant to State CEQA Guidelines section 15061(b)(3), on grounds it can be seen with certainty that the adoption of the regulations will not result in causing a significant effect on the environment.

### **DISCUSSION:**

In September of 2018 the State approved SB 998 (Bill), which provides procedural protections for certain residential customers before disconnection of water service for nonpayment. Under the Bill the City must adopt a written policy pertaining to water service disconnection and delineate a plan for deferred payment, reduced payments, and payment schedules. Additionally, the City's plan and written notices must be available in English, Spanish, Chinese, Tagalong, Vietnamese, and Korean.

The Bill effectively extends the minimum period for shut off certain residential customers from 34 days to 60 days, which allows City residential customers more time to make payment between bills prior to the disconnection of water service. If a customer makes a request for a payment agreement within 13 days after the notice of service termination is sent (45 days after the utility bill is initially sent), and the customer has a letter from a primary care provider that service disconnection would be life threatening, or if the customer can provide evidence of being financially unable to make payment within the normal billing cycle, the City is required to offer an alternative arrangement for making payment.

To fulfill City obligations under the Bill, staff is seeking adoption of Resolution 2020-10 (Attachment 1) approving the proposed City Policy on Disconnection of Residential Water Service. The policy incorporates all City requirements identified within the Bill. Staff is also seeking approval of Ordinance 4280 (Attachment 2) which amends the City Code to provide for compliance with SB 998.

Prepared by:

Chris Diggs – Water Resources Manager  
Rozaluia Outley – Revenue Operations Supervisor

**ATTACHMENTS:**

Attachment 1 – Resolution No. 2020-10

Exhibit A – Policy on Discontinuation of Residential Water Service

Attachment 2 – Proposed Ordinance No. 4280