

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

WHEREAS, the City of Pomona (“City”) operates a public water system that supplies water to residential, commercial, and industrial customers; and

WHEREAS, in 2018, the California Legislature adopted Senate Bill 998, which imposes new and expanded customer protections regarding discontinuation of residential water service for nonpayment and related matters; and

WHEREAS, California Health and Safety Code Section 116906 requires each urban and community water system, including the City, to have a written policy on discontinuation of residential service for nonpayment, and such written policy must address specified subjects required by law; and

WHEREAS, Consistent with California Health and Safety Code Section 116906, the City Council desires to adopt the Policy on Discontinuation of Residential Water Service (“Policy”) attached to this Resolution as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. The recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. The City’s adoption of the Policy 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.

SECTION 3. In compliance with SB 998, as it currently exists and may be adopted in the future, the City Council hereby adopts the Policy set forth in Exhibit A.

SECTION 4. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or

application, and to this end the provisions of this Resolution are severable. The City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

SECTION 5. The City Clerk shall attest and certify to the passage and adoption of this Resolution and is authorized to execute such other documents and certificates necessary to complete the transaction contemplated in this Resolution. This policy adopted by this Resolution shall take effect on February 1, 2020, and shall apply to all water bills issued on and after that date.

APPROVED AND ADOPTED THIS 27TH DAY OF JANUARY, 2020.

CITY OF POMONA:

Tim Sandoval, Mayor

APPROVED AS TO FORM:

ATTEST:

Sonia Carvalho, City Attorney

Rosalia A. Butler, MMC, City Clerk

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA A. BUTLER, MMC, CITY CLERK of the CITY OF POMONA CITY COUNCIL do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 27th day of JANUARY, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this 27th day of January, 2020.

Rosalia A. Butler, MMC, City Clerk