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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, Tagalog, 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

**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 27<sup>TH</sup> 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 27<sup>th</sup> 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 27<sup>th</sup> day of January, 2020.

Rosalia A. Butler, MMC, City Clerk

## **POLICY ON DISCONTINUATION OF RESIDENTIAL WATER SERVICE**

*Adopted by Resolution 2020-10 of the City Council of  
the City of Pomona on January 27, 2020*

1. **Application of Policy.** This Policy on Discontinuation of Residential Water Service (this "Policy") shall apply to all City accounts for residential water service, but shall not apply to any accounts for non-residential service. To the extent this Policy conflicts with any other rules, regulations, or policies of the City, this Policy shall control.

2. **Contact Information.** For questions or assistance regarding your water bill, the City's Customer Service staff can be reached by phone at (909) 620-2241 or in person at 505 S. Garey Avenue, Pomona, CA 91766. Customer Service is available Monday through Thursday, from 7:30 a.m. to 6:00 p.m., except on City holidays.

3. **Billing Procedures.** Water service charges are payable to the City once every two months or at such other frequency as determined by the City from time to time. All bills for water service are due and payable upon presentation and shall become delinquent if unpaid within twenty (20) days thereafter. Any bills not paid within such period will be subject to a delinquency charge.

4. **Discontinuation of Water Service for Nonpayment.** If any water bill is not paid in full within eighty (80) days after presentation, the City may discontinue water service to the service address.

4.1 Written Notice to Customer. The City will provide a mailed notice to the customer of record at least fifteen (15) days before discontinuation of water service. The notice will contain:

- (a) the name and address of the customer;
- (b) the amount of the delinquency;
- (c) the date by which payment or payment arrangements must be made to avoid discontinuation of service;
- (d) the procedure by which the customer may initiate a complaint or request an investigation or appeal concerning service or charges;
- (e) a description of the procedure by which the customer may request an alternative payment arrangement, which may include an extension, amortization, or alternative payment schedule;
- (f) the procedure for the customer to obtain information on financial assistance, if applicable; and
- (g) the telephone number where the customer may request a payment arrangement or receive additional information from the City.

4.2 Written Notice to Occupants or Tenants.

(a) The City will also send a notice to the occupants living at the service address at least fifteen (15) days before discontinuation of water service under the following circumstances: (1) the City furnishes individually metered service to a single-family dwelling, multi-unit residential structure, mobile home park, or farm labor camp and the owner, manager, or operator is the customer of record; or (2) the customer of record's mailing address is not the same as the service address. The notice will be addressed to "Occupant," will contain the information required in Section 4.1 above, and will inform the residential occupants that they have the right to become customers of the City without being required to pay the amount due on the delinquent account. Terms and conditions for occupants to become customers of the City are provided in Section 8 below.

(b) If the City furnishes water through a master meter in a multi-unit residential structure, mobile home park, or permanent residential structures in a labor camp and the owner, manager, or operator is the customer of record, the City will make a good faith effort to inform the occupants, by means of written notice posted on the door of each residential unit at least fifteen (15) days prior to termination, that the account is in arrears and the service will be terminated on a date specified in the notice. If it is not reasonable or practicable to post the notice on the door of each unit, the City will post two (2) copies of the notice in each accessible common area and at each point of access to the structure or structures. The notice will inform the residential occupants that they have the right to become customers of the City without being required to pay the amount due on the delinquent account. The notice will also specify what the occupants are required to do in order to prevent termination of, or to reestablish service; the estimated monthly cost of service; the title, address, and telephone number of a representative of the City who can assist the occupants in continuing service; and the address or telephone number of a qualified legal services project that has been recommended by the local county bar association. Terms and conditions for occupants to become customers of the City are provided in Section 8 below.

4.3 In-Person or Telephonic Notice. The City will also make a reasonable, good faith effort to contact the customer of record or adult person living at the premises of the customer in person or by telephone at least seven (7) days before discontinuation of service. The City will offer to provide in writing a copy of this Policy and to discuss options to avert discontinuation of water service for nonpayment, including the possibility of an extension or other payment arrangement.

4.4 Posting of Notice at Service Address. If the City is unable to make contact with the customer or an adult person living at the service address in person or by telephone, the City will make a good faith effort to leave a notice of imminent discontinuation of residential service and a copy of this Policy in a conspicuous place at the service address. The notice and copy of this Policy will be left at the residence at least forty-eight (48) hours before discontinuation of service. The notice will include:

- (a) the name and address of the customer;
- (b) the amount of the delinquency;
- (c) the date by which payment or payment arrangements must be made to avoid discontinuation of service;
- (d) the procedure for the customer to obtain information on financial assistance, if applicable; and



- (e) the telephone number where the customer may request a payment arrangement or receive additional information from the City.

4.5 Circumstances Under Which Service Will Not Be Discontinued. The City will not discontinue residential water service for nonpayment under the following circumstances:

- (a) During an investigation by the City of a customer dispute or complaint under Section 5.1 below;
- (b) During the pendency of an appeal to the City Council under Section 5.3 below; or
- (c) During the period of time in which a customer's payment is subject to a City-approved extension, amortization, or alternative payment schedule under Section 6 below, and the customer remains in compliance with the approved payment arrangement.

4.6 Circumstances Under Which Service Through a Master Meter Will Not Be Discontinued. If the City furnishes water through a master meter in a multi-unit residential structure, mobile home park, or permanent residential structures in a labor camp and the owner, manager, or operator of the dwelling, structure, or park is the customer of record, the City will not discontinue residential water service for nonpayment under the following circumstances:

- (a) When the customer's indebtedness is owed to another public agency, or when the obligation represented by the delinquent account or indebtedness was incurred with any public agency other than the City's water utility;
- (b) If a delinquent account relates to another property owned, managed, or operated by the customer;
- (c) If a public health or building officer certifies that termination would result in a significant threat to the health or safety of the residential occupants or the public.

4.7 Special Medical and Financial Circumstances Under Which Services Will Not Be Discontinued.

- (a) The City will not discontinue water service if all of the following conditions are met:
  - (i) The customer, or a tenant of the customer, submits to the City the certification of a licensed primary care provider that discontinuation of water service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided;
  - (ii) The customer demonstrates that he or she is financially unable to pay for residential service within the City's normal billing cycle. The customer is deemed financially unable to pay during the normal billing cycle if: (a) 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 (b) the customer declares under penalty of perjury that the household's annual income is less than 200 percent of the federal poverty level; and

- (iii) The customer is willing to enter into an alternative payment arrangement, including an extension, amortization, or alternative payment schedule with respect to the delinquent charges.
- (b) For any customers who meet all of the above conditions, the City shall offer the customer one of the following options, to be selected by the City in its discretion: (1) an extension of the payment period; (2) amortization of the unpaid balance; or (3) an alternative payment schedule. The Finance Director, or his or her designee, will select the most appropriate payment arrangement, taking into consideration the information and documentation provided by the customer, as well as the City's payment needs.
- (c) The customer is responsible for demonstrating that the conditions in subsection (a) have been met. Upon receipt of documentation from the customer, the City will review the documentation within seven (7) days and: (1) notify the customer of the alternative payment arrangement selected by the City and request the customer's signed assent to participate in that alternative arrangement; (2) request additional information from the customer; or (3) notify the customer that he or she does not meet the conditions in subsection (a).
- (d) The City may discontinue water service if a customer who has been granted an alternative payment arrangement under this section fails to do any of the following for sixty (60) days or more: (a) to pay his or her unpaid charges by the extended payment date; (b) to pay any amortized amount due under the amortization schedule; (c) to pay any amount due under an alternative payment schedule; or (d) to pay his or her current charges for water service. The City will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five (5) business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the City.

4.8 Time of Discontinuation of Service. The City will not discontinue water service due to nonpayment on a Saturday, Sunday, legal holiday, or at any time during which the City's office is not open to the public.

4.9 Restoration of Service. Customers whose water service has been discontinued may contact the City by telephone or in person regarding restoration of service. Restoration shall be subject to payment of: (a) any past-due amounts, including applicable interest or penalties; (b) any reconnection fees, subject to the limitations in Section 7.1, if applicable; (c) and a security deposit, if required by the City.

**5. Procedures to Contest or Appeal a Bill.**

5.1 Time to Initiate Complaint or Request an Investigation. A customer may initiate a complaint or request an investigation regarding the amount of a bill within ten (10) days of the bill date by contacting the City's Customer Service staff by phone or in writing.

5.2 Review by City. A timely complaint or request for investigation shall be reviewed by a manager of the City, who shall provide a written determination to the customer. The review will include consideration of whether the customer may receive an extension, amortization, or alternative payment schedule under Section 6. The City may, in its discretion, review untimely complaints or requests for investigation; however, such complaints or requests are not subject to appeal.

5.3 Appeal to City Council. Any customer whose timely complaint or request for an investigation pursuant to this Section 5 has resulted in an adverse determination may appeal the determination to the City Council by filing a written notice of appeal with the City Clerk within ten (10) business days of the City's mailing of its determination. Upon receiving the notice of appeal, the City Clerk will set the matter to be heard at an upcoming City Council meeting and mail the customer written notice of the time and place of the hearing at least ten (10) days before the meeting. The decision of the City Council shall be final.

**6. Extensions and Other Alternative Payment Arrangements.**

6.1 Time to Request an Extension or Other Alternative Payment Arrangement. If a customer is unable to pay a bill during the normal payment period, the customer may request an extension or other alternative payment arrangement described in this Section 6. If a customer submits his or her request in writing within thirteen (13) days after mailing of a written notice of discontinuation of service by the City, the request will be reviewed by a manager of the City. City decisions regarding extensions and other alternative payment arrangements are final and are not subject to appeal to the City Council.

6.2 Extension. If approved by the City, a customer's payment of his or her unpaid balance may be temporarily extended for a period not to exceed six (6) months after the balance was originally due. The Finance Director, or his or her designee, shall determine how long an extension shall be provided to the customer. The customer shall pay the full unpaid balance by the date set by the City and must remain current on all water service charges accruing during any subsequent billing periods. The extended payment date will be set forth in writing and provided to the customer.

6.3 Amortization. If approved by the City, a customer's payment of his or her unpaid balance may be amortized over a period not to exceed twelve (12) months, as determined by the Finance Director, or his or her designee. If amortization is approved, the unpaid balance will be divided by the number of months in the amortization period, and that amount will be added to the customer's monthly bills for water service until fully paid. During the amortization period, the customer must remain current on all water service charges accruing during any subsequent billing periods. The amortization schedule and amounts due will be set forth in writing and provided to the customer.

6.4 Alternative Payment Schedule. If approved by the City, a customer may pay his or her unpaid balance pursuant to an alternative payment schedule that will not exceed twelve (12) months, as determined by the Finance Director, or his or her designee. If approved, the

alternative payment schedule may allow periodic lump-sum payments that do not coincide with the City's established payment date or may provide for payments made more or less frequently than the City's regular payment date. During the period of the alternative payment schedule, the customer must remain current on all water service charges accruing during any subsequent billing periods. The alternative payment schedule and amounts due will be set forth in writing and provided to the customer.

6.5 Failure To Comply. If a customer has been granted a payment arrangement under this Section 6 and fails to: (1) pay the unpaid charges by the extension date; (2) pay an amount due under an amortization schedule; or (3) pay an amount due under an alternative payment schedule, then the City may terminate water service. The City will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five (5) business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the City.

## **7. Specific Programs for Low-Income Customers.**

7.1 One-Percent Reduction in Delinquency Charge. Pursuant to Ordinance No. 4154 and Pomona City Code section 62-299, those City water customers who are "living within the City of Pomona lower income poverty rate" may apply for a one-percent reduction of the water service delinquency charge. The water customer must apply for the reduction of the delinquency charge to the City Treasurer. The City Treasurer shall then follow the criteria set forth in section 50-218 of the Pomona City Code and, if the water customer's application meets such criteria, the City Treasurer shall grant the one percent reduction of the delinquency charge. The foregoing shall only apply to City water customers.

7.2 Reconnection Fee Limits. For residential customers who demonstrate to the City a household income below 200 percent of the federal poverty line, the City will also:

- (a) Limit any reconnection fees during normal operating hours to fifty dollars (\$50), and during non-operational hours to one hundred fifty dollars (\$150). The limits will only apply if the City's reconnection fees actually exceed these amounts. These limits are subject to an annual adjustment for changes in the Bureau of Labor Statistics' Consumer Price Index for All Urban Consumers (CPI-U) beginning January 1, 2021.

For purposes of this Section 7.2, the City will deem a residential customer to have a household income below 200 percent of the federal poverty line if: (a) any member of the 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 (b) the customer declares under penalty of perjury that the household's annual income is less than 200 percent of the federal poverty level.

## **8. Procedures for Occupants or Tenants to Become Customers of the City.**

8.1 Applicability. This Section 8 shall apply only when the property owner, landlord, manager, or operator of a residential service address is listed as the customer of record and has been issued a notice of intent to discontinue water service due to nonpayment.

8.2 Agreement to City Terms and Conditions of Service. The City will make service available to the actual residential occupants if each occupant agrees to the terms and conditions of service and meets the requirements of the City's rules and regulations. Notwithstanding, if one or more of the occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the City, or if there is a physical means, legally available to the City, of selectively discontinuing service to those occupants who have not met the requirements of the City's rules and regulations, the City shall make service available to the occupants who have met those requirements.

8.3 Verification of Tenancy. To be eligible to become a customer without paying the amount due on the delinquent account, the occupant shall verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Section 1962 of the Civil Code, at the discretion of the City.

8.4 Methods of Establishing Credit. If prior service for a period of time is a condition for establishing credit with the City, residence and proof of prompt payment of rent for that period of time is a satisfactory equivalent.

8.5 Deductions from Rental Payment. Pursuant to Government Code Section 60371(d), any occupant who becomes a customer of the City pursuant to this Section 8 and whose periodic payments, such as rental payments, include charges for residential water service, where those charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the City for those services during the preceding payment period. This subsection is intended only as a statement of existing law under Government Code Section 60371(d); it does not establish any independent legal rights or duties on landlords or tenants and is not enforceable by the City.

9. **Third Party Notification Service for Seniors and Dependent Adults.** The City will make available, to residential customers who are 65 years or older, or who are dependent adults (as defined in Welfare and Institutions Code Section 15610(b)(1)), a third-party notification service whereby the City will attempt to notify a person designated by the customer to receive notification when the customer's account is past-due and subject to termination. The notification will include information on what is required to prevent termination of service. The City will mail the notification to the designated third party at least ten (10) days before termination of service. To participate, the customer must submit a request for third-party notification on a form provided by the City, and must include the written consent of the designated third party. The notification service does not obligate the third party to pay any overdue charges, nor shall it prevent or delay termination of service.

10. **Language for Certain Written Notices.** All written notices under Section 4 and Section 6.5 of this Policy shall be provided in English, Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language spoken by ten percent (10%) or more people within the City's service area.

11. **Other Remedies.** In addition to discontinuation of water service, the City may pursue any other remedies available in law or equity for nonpayment of water service charges, including, but not limited to: securing delinquent amounts by filing liens on real property, filing a claim or legal action, or referring the unpaid amount to collections. In the event a legal action is

decided in favor of the City, the City shall be entitled to the payment of all costs and expenses, including attorneys' fees and accumulated interest.

12. **Discontinuation of Water Service for Other Customer Violations.** The City reserves the right to discontinue water service for any violations of City ordinances, rules, or regulations other than nonpayment.

13. **Fees and Charges Incurred.** Except as otherwise expressly stated in this Policy, any fees and charges incurred by a customer under any other codes, ordinances, rules, regulations, or policies of the City, including, but not limited to, delinquent charges and notification fees, shall be due and payable as set forth therein.

**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**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POMONA AS FOLLOWS:**

**SECTION 1. Recitals.**

- A. The City of Pomona ("City") operates a public water system that supplies water to residential, commercial, and industrial customers.
- B. In 2018, the California Legislature adopted Senate Bill 998 ("SB 998") which adopted new and expanded protections regarding discontinuation of residential water service for nonpayment and related matters.
- C. The City Council desires to amend Section 62-299 of the Pomona City Code to ensure consistency with the requirements of SB 998, and for related purposes.

**SECTION 2. Code Amendment.** Pomona City Code Section 62-299, "Due date; disconnection fee and delinquency charge," is hereby amended as follows:

**Sec. 62-299. - Due date; disconnection fee and delinquency charge.**

All water bills shall be due and payable upon presentation and shall become delinquent 20 days thereafter. Further, all charges for labor furnished as well as all other service charges shall constitute a valid and subsisting claim in favor of the city and against the owner of the property or the person to whom such services are rendered. All ~~charges~~ ~~accounts~~ shall ~~become~~ ~~be~~ due and payable upon presentation of a Statement of Services and shall become delinquent ~~within~~ 20 days ~~thereafter~~ ~~after presentation~~. If ~~any bill or charge is~~ not paid ~~on or before the expiration of~~ within 80 ~~40~~ days after presentation, the department shall turn off the water and discontinue such service. If water is turned off, as provided in this section, it shall not be turned on again until all ~~legitimate~~ charges for service rendered at the point of service and which are delinquent have been fully paid. Included in these ~~legitimate~~ charges will be charges as set by the city council by resolution for processing and/or making a service call to turn the water off or on between the hours of 7:30 a.m. and 5:00 p.m. ~~7:00 a.m. and 4:00 p.m.~~, exclusive of weekends and holidays. The charge for making a service call between the hours of 5:00 p.m. and 7:30 a.m. ~~4:00 p.m. and 8:00 a.m.~~ and on weekends and holidays is set by the city council by resolution. These charges apply even if the meter is not physically turned off. In addition to the remedy in this section, the city may sue in any court of competent jurisdiction for any amount due and payable, together with penalties, for the

costs of such suits, and for such other and further relief as to the court may appear appropriate in the premises.

Pursuant to Ordinance No. 4154, those city water customers who are "living within the City of Pomona lower income poverty rate" may apply for a one-percent reduction of the above-referenced delinquency charge. The water customer must apply for the reduction of the delinquency charge to the city treasurer. The city treasurer shall then follow the criteria set forth in section 50-218 of this Code and, if the water customer's application meets such criteria, the city treasurer shall grant the one percent reduction of the delinquency charge. The foregoing shall only apply to city water customers.

**Pursuant to Section 116906 of the California Health & Safety Code, the city council has adopted a policy on discontinuation of residential water service for nonpayment. Such policy includes, but is not limited to, additional provisions concerning billing, discontinuation of service, notification of customers and occupants, restoration of service, procedures to contest or appeal a bill, extensions and/or other payment arrangements, additional programs for qualified low-income customers, procedures for becoming a customer of the city under specified circumstances, and related matters. To the extent the policy adopted pursuant to this section conflicts with any provisions of this article, the policy shall control.**

**SECTION 3. Severability.** If any or portion of this ordinance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of the ordinance remains in effect.

**SECTION 4. Effective Date.** The City Clerk shall attest to the passage and adoption of this ordinance, causing it to be published or posted as required by law, and it shall become effective thirty (30) days after its adoption.



PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 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 do hereby certify that the foregoing Ordinance was introduced for first reading at a regular meeting of the City Council of the City of Pomona held on the \_\_\_\_ day of \_\_\_\_\_, 2020 and adopted at second reading at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

\_\_\_\_\_  
Rosalia A. Butler, MMC City Clerk