

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 accounts shall be due and payable upon presentation and shall become delinquent 20 days thereafter. If any account is not paid within 80 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., 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. 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 3rd DAY OF FEBRUARY, 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 27th day of JANUARY, 2020 and adopted at second reading at a regular meeting of the City Council on the 3rd day of FEBRUARY 2020, by the following vote:

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

Rosalia A. Butler, MMC City Clerk