

RESOLUTION NO. 20R-01

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE BIGHORN-DESERT VIEW WATER AGENCY
ESTABLISHING CERTAIN FEES AND CHARGES
DIRECTLY RELATED TO THE PASSAGE OF
SENATE BILL 998, DODD. DISCONTINUATION OF
RESIDENTIAL WATER SERVICE: URBAN AND
COMMUNITY WATER SYSTEMS (2018)**

(Lock-Off Notification via Telephone, Lock-Off Notification Package Delivered to Residence, Payment Plan Set-Up, Lock-Off Fee, Unlock Fee – Due to Lock-Off, After Hours Unlock and “48-Hour” Lock-Off Notice [mailed only])

WHEREAS, in 2018, the State Legislature passed Senate Bill 998. Dodd. Discontinuation of Residential Water Service: Urban and Community Water Systems which changes the requirements and procedures relating to the temporary discontinuation (i.e. “lock-off” for non-payment) of water service to a residence; and

WHEREAS, the Board of Directors of the Bighorn-Desert View Water Agency (“Agency”) is required by law to fix and establish fees and charges which will enable the Agency to operate and maintain its water system, provide for debt service payments, repairs and depreciation plus a reasonable surplus for capital improvements; and

WHEREAS, the Agency Rules and Regulations for Water Service (adopted by Ordinance) provides for the amendment of certain charges by resolution, by majority vote of the Board of Directors; and

WHEREAS, the Board of Directors of the Agency desires to fairly allocate the costs of specified services listed below in a fair and equitable manner to be paid by those persons who are the actual beneficiaries or recipients of the services; and

WHEREAS, SB 998 allows notification of pending lock-off via telephone. The *Lock-Off Notification via Telephone* is a notification sent in advance of pending lock-off for non-payment. The notice shall be delivered via automated telephonic messaging (e.g. Springbrook IVR/Selectron System) in an effort to secure payment in advance of the scheduled shut-off day. As an incentive to avoid additional fees assessed if the telephonic message is not successful, the Agency shall assess \$0.00 to deliver the *Lock-Off Notification via Telephone*; and

WHEREAS, SB 998 mandates that if notification of pending lock-off cannot successfully be delivered via telephone, or via mail delivery, then it must be hand-delivered to the residence. The delivered notice must include a full copy of the Agency’s *Policy on Discontinuation of Residential Water Service for Non-Payment*, which shall be prepared in English, Spanish, Chinese, Korean, Tagalog, Vietnamese and any other language spoken by at least 10% of the people residing in the service area. The Agency shall assess a fee of \$35.00 for each *Lock-Off Notification Package Delivered to Residence*; and

WHEREAS, SB 998 requires the Agency to present alternative payment options to those customers meeting its definition of "low-income" but the law does not require the Agency to approve any alternative payment arrangements. One of the alternative payment arrangements is an amortization schedule (i.e. payment plan). The Agency shall assess a *Payment Plan Set-Up Fee* of \$10 for all payment plans approved by the Agency for any reason; and

WHEREAS, the *Lock-Off Fee* is assessed whenever the Agency turns off service on or after the 15th day after a bill becomes delinquent for non-residential accounts OR whenever the Agency turns off service on or after the 60th day after a bill becomes delinquent on residential accounts, per the Agency Rules and Regulations for Water Service. The Agency shall assess a fee of \$35.00 for each occurrence of Lock-Off for non-payment; and

WHEREAS, the *Unlock Fee* is assessed to unlock the meter, which has been locked-off for non-payment, once all accrued fees and charges, including Lock-off and Unlock charges, have been paid in full. The Agency shall assess a fee of \$35.00 to Unlock a meter which has been locked for non-payment; and

WHEREAS, SB998 regulates the cost to unlock a meter after business hours for residents that meet the definition of "low-income". In those cases, the unlock fee cannot exceed \$150. The Agency shall assess a fee of \$100 for each *After Hours Unlock*; and

WHEREAS, the non-residential accounts are not subject to the provisions of SB 998 and may be notified within 48-hours of pending lock-off. There may also be occasion to notify residential customers of pending lock-off on an accelerated schedule. The Agency shall assess a fee of \$10 to send, via mail carrier, a single page notification of pending lock-off within 5 days (i.e. "*48-Hour Lock-Off Notice* via mail).

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Bighorn-Desert View Water Agency that the fees and charges identified below are set as follows:

- | | |
|--|-------------------------|
| 1) <i>Lock-Off Notification via Telephone</i> | \$0.00 per occurrence |
| 2) <i>Lock-Off Notification Package Delivered to Residence</i> | \$35.00 per occurrence |
| 3) <i>Payment Plan Set-Up Fee</i> | \$10.00 per occurrence |
| 4) <i>Lock-Off Fee</i> | \$35.00 per occurrence |
| 5) <i>Unlock Fee</i> | \$35.00 per occurrence |
| 6) <i>After Hours Unlock Fee</i> | \$100.00 per occurrence |
| 7) " <i>48-Hour</i> " <i>Lock-Off Notice</i> (Mailed Only) | \$10.00 each occurrence |

BE IT FURTHER RESOLVED that the foregoing fees and charges shall become effective immediately and that the foregoing fees and charges shall be applicable to all existing, new and/or transferred customer accounts, until further action by the Board of Directors of the Agency; and

BE IT FURTHER RESOLVED, that the General Manager and staff of the Agency are hereby authorized and directed to do such things and to take such actions as may be reasonably required to carry out the purpose and intent of this resolution and that Resolution Nos. 14R-08 and 19R-04 are hereby rescinded in their entirety.

PASSED, APPROVED, AND ADOPTED by the Board of Directors to Bighorn-Desert View Water Agency this 28th day of January 2020.

By Judy Carl-Lorono
Judy Carl-Lorono, President of the Board

ATTEST:

J. Larry Coulombe
J. Larry Coulombe, Secretary



Official Seal