

ORDINANCE NO. 1169

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMARILLO, CALIFORNIA, AMENDING CHAPTER 3.35 (WATER CHARGES) OF THE CAMARILLO MUNICIPAL CODE

The City Council of the City of Camarillo ordains as follows:

SECTION 1. General Findings. The City Council finds as follows:

A. On September 28, 2018, the Governor of the State of California approved Senate Bill 998 ("SB 998" or "Water Shutoff Protection Act"), which establishes certain statewide procedures related to the disconnection of residential water service.

B. The City of Camarillo provides residential water service, and Chapter 3.35 of the Camarillo Municipal Code addresses the City's regulations concerning water charges, collection of payments, and disconnection of service.

C. The City wishes to amend Chapter 3.35 for consistency with the new provisions outlined in SB 998 and to update Chapter 3.35 to reflect updated water procedures.

SECTION 2. Environmental Review. The City Council exercises its independent judgment and finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed ordinance relate to billing practices for existing service connections. Because there is no possibility that this ordinance may have a significant adverse effect on the environment, the adoption of this ordinance is exempt from CEQA.

SECTION 3. Amendment to Chapter 3.35 of the Camarillo Municipal Code. Chapter 3.35 (Water Charges) is amended and restated as set forth in Exhibit A.

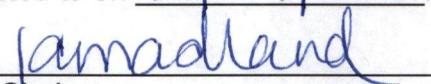
SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Publication. The City Clerk is directed to certify the adoption of this ordinance and cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED February 26, 2020.



Mayor

Attested to on 2/27/2020


City Clerk

I, Jeffrie Madland, City Clerk of the City of Camarillo, certify Ordinance No. 1169 was introduced by the City Council at a meeting held February 12, 2020, and subsequently passed and adopted by the City Council at a regular meeting held February 26, 2020, by the following vote:

AYES: Councilmembers: Craven, Kildee, Mulchay, Santangelo, Mayor Trembley
NOES: Councilmembers: None
ABSENT: Councilmembers: None



City Clerk



EXHIBIT A

Chapter 3.35 - WATER CHARGES

3.35.010 Setting of water rates.

The city council may, from time to time, in the time and manner set forth in applicable law, including this code, set the rates for domestic water services ("water charges") for each service connection served with domestic water by the city. In each instance where the property owner resides within the property, the service account must be in the name of the property owner.

3.35.015 Billing disputes.

- A. For all accounts other than residential water accounts, the city manager, or designee, will review the accounts of customers who dispute water charges within thirty days after receiving a written request for review. If an error is found after such review, the city will promptly correct the error and, if required, and at the city's sole discretion, either credit the customer account or give the customer a refund.
- B. For all accounts other than residential water accounts, the review conducted by the city manager, or designee, will include consideration of whether to establish a payment plan for the customer to pay any unpaid balance of delinquent account over a reasonable time not to exceed twelve months. Unless otherwise required by this code, the city will not terminate service for customer fully complying with such a payment plan.
- C. For all accounts other than residential water accounts, if a customer fails to comply with a payment plan established pursuant to this section, the city will give the customer a two business days' notice to comply in order to avoid termination of service. Such notice does not entitle the customer to further investigation or review by the city.
- D. For residential water accounts, billing disputes are found in the City Council Policy 9.03 "Residential Water Service Disconnection".
- E. Water bills will contain information regarding dispute resolution procedures set forth in this chapter.

3.35.020 Water charges—Manner of collection.

- A. Water Charges When Due.
 - 1. Payment of Water Charges. As to each service connection served with domestic water by the city, the owner or other person who has applied for domestic water service from the city for a service connection (collectively "customer") must pay the water charges imposed pursuant to this code on a monthly basis. For purposes of this section a "monthly basis" means a billing period not exceeding 33 days.

2. Water Charges When Delinquent. If for any reason the customer, as to a service connection which is served by the city, fails to pay the water charges due for such service on or before the 21st day following billing of such water charges by the city, as of that date the water charges will be deemed delinquent.
 3. Upon the water charges becoming delinquent, the city manager, or designee, will cause a notice of delinquency and intent to disconnect service to be mailed to the customer of record and actual user. Notice of termination of residential water service will include all of the information required in Health & Safety Code section 116908.
 4. For all accounts other than residential water accounts, if payment is not received within fifteen days from the mailing of the notice of delinquency and impending termination, a shutoff notice must be delivered to the service address and posted in a conspicuous location at the premises. When the shutoff notice is delivered and posted, a fee will be applied to the customer's account in accordance with the water charges. Failure to make payment within two business days of notice will result in shutoff of the meter, and assessment of a shutoff fee in accordance with the water charges.
 5. The restrictions on termination of service set forth in Health & Safety Code sections 116900 and following are applicable to any shutoff proceedings for residential water service.
 6. Section 3.35.080 shall govern disconnection of residential water accounts.
- B. Delinquent Water Charges—Penalties. Penalties will be imposed upon all delinquent water charges as follows:
1. Basic Penalty. A basic penalty of ten percent of total delinquent charges applicable to each service connection will be imposed as of the date of such delinquency; and
 2. Additional Penalties. An additional penalty of 10 percent will be imposed on the total delinquent charges on each billing date upon which the charges remain unpaid; and
 3. Limit of Penalty. The total penalty imposed will not exceed 100 percent of the total of any such delinquent account.
- C. Interruption in Water Service—Penalties.
1. Service will be disconnected if payment has not been received or arrangements made to pay the delinquent bill. If payment is not made within the specified time as identified above or for any other reason relating to nonpayment of an outstanding bill or charge, including, without limitation, checks returned for insufficient funds, credit card denial, or

other, similar type of payment problem, a service charge, in an amount determined by the water charges, will be charged and due and payable with respect to each time service is disconnected.

2. Except as provided in Public Utilities Code section 10009, where water has been shut off, service will not be restored until all required payments (including, without limitation, arrearage, penalties, deposits and service charges) have been paid in full.
- D. If a meter is locked off for nonpayment, the delinquent balance plus all fees assessed as a result of the delinquency become immediately due and payable. Service will be reinstated only during regular working hours and only after payment has been received or special payment arrangements have been made with the finance director or designee.
 - E. Collection of Certain Delinquent Charges. By June 1st of each calendar year, the city manager, or designee, will prepare a complete list of delinquent charges applicable to the service connection where the owner is the customer for the period ending on April 30th of each calendar year. A notice will be given, at least 45 days before the public hearing, of such delinquencies to the owner of the service connection to which each such delinquency relates. The city council will schedule a noticed public hearing in June of each calendar year at which time delinquent charges together with penalties, will be placed on the equalized assessment roll for the fiscal year commencing on the July 1st following the conduct of such hearing for collection. Thereafter, the delinquent charges, together with penalties thereon, will be collected in the same manner, by the same persons, and at the same time as, together and not separately from, general taxes collected on behalf of the city and other taxing authorities. The provisions of this subsection will only be applicable to delinquent charges where the customer is the land owner.
 - F. Civil Debt. All charges and penalties imposed pursuant to this chapter will be deemed to be civil debts owed to the city by the customer as to the service connection to which such charges and penalties apply.

3.35.025 Reserved.

3.35.030 Separate landscape meters.

- A. Water customers may apply for a separate meter for landscaping systems. As a condition of obtaining the new meter, customers must agree that landscape irrigation may be restricted or curtailed in an emergency and in drought conditions.
- B. If the city approves the installation of the separate landscape meter, the customer must pay all costs for physical connection, including costs of new meter installations and incremental water capital connection fees. Credit will be given to a customer if a replaced meter is usable at another location.

- C. Once a separate landscape meter is connected, the customer must pay all applicable monthly fees associated with the meters. If a customer disconnects a landscape meter, a landscape meter may not be reconnected at that address for a period of 24 months from the date the meter is disconnected.

3.35.040 Deposit.

- A. Deposits are required on all new customer accounts at start of service, in accordance with water charges. The deposit will be returned to the customer in the form of a credit to the customer's account provided the customer's account has been in good standing for twelve consecutive months.
- B. If it becomes necessary to disconnect the service of any present or future customer because of recurring nonpayment of bills after the same are due, then such customer will be required to deposit cash in the amount of an estimated two-month billing for the classification of service applied for, as estimated by the utility billing section. No deposit may be less than 60 dollars. After 12 months' consecutive timely payment of bills, said deposit will be credited to the next bill.
- C. Upon the disconnection of any service, any balance of a deposit remaining in the hands of the city after all bills for utility services provided through said service have been deducted will be, within 60 days, returned to the person by whom such deposit was made.

3.35.050 Senior qualifying rate.

- A. Senior citizens meeting the qualifications in this section will pay a total monthly charge equal to the monthly service charge for a three-quarter inch meter as defined in the water charges; that is, they will pay no commodity charge.
- B. To qualify, a customer must meet all these criteria in a given billing period:
 - 1. Be at least 62 years old.
 - 2. Be in an extremely low-income household as determined by federal guidelines.
 - 3. Consume no more than 1000 cubic feet of water per billing cycle.
- C. Claims for the special senior qualifying rate must be filed with the finance department. To make application for the senior qualifying rate, a customer is required to submit the following documents to the finance department:
 - 1. Page one of Federal Income Tax Form 1040 or 1040A, or other competent acceptable evidence of qualification;
 - 2. A completed Senior Citizens Water Bill Assistance Claim form, available from the city; and
 - 3. A photocopy of proof of age.

- D. All such allowances will first be recognized on the next full billing cycle after the date of approval. The finance department may require such additional evidence as it deems necessary or appropriate in processing the claim. Only one claimant from each household will be entitled to the allowance. The finance department, at any time, may require a customer to provide proof of continuing eligibility. Any change in the qualification status of the claimant during the fiscal year of the allowance will be immediately reported by the claimant to the finance department of the city and the appropriate adjustments will be made accordingly.
- E. Residents who would otherwise qualify, but are billed through a master meter serving multiple housing units, are not eligible for this program.

3.35.060 Water meters.

Tampering with or breaking a meter or lock will result in assessment of a penalty consisting of a fixed amount plus expenses and other costs, as provided in the water charges.

3.35.070 Backflow device testing—Late penalty.

- A. Backflow devices will be tested annually to determine compliance with the state of California Department of Health Service (CDHS) Cross Connection regulations. Written proof that backflow devices meet CDHS regulations will be submitted to the public works director, or designee, not later than 30 days from receipt of a backflow device testing reminder notice.
- B. The public works director, or designee, will cause a reminder notice to be mailed to the customer of record and actual user not less than 30 days before the test submission deadline. Failure of the public works director, or designee, to send or for the customer of record to receive a reminder notice will not relieve the customer of record from the obligations imposed by this section.
- C. If for any reason the customer fails to submit the test results on or before the 31st day after a reminder notice is, or should have been, sent by the public works director, or designee, the test results will be deemed late.
- D. Upon the test results becoming delinquent, the public works director, or designee, will cause a late notice and intent to disconnect service to be mailed to the customer of record or actual user.
- E. If test results are not received within eight business days from the mailing of the notice of delinquency and impending termination, an attempt will be made to contact an adult person at the premises of the customer by telephone or personal contact.
- F. If telephone or personal contact is not made at least two business days before service is to be disconnect, a shutoff notice must be delivered to the service address and posted in a conspicuous location at the premises. When the shutoff notice is delivered and posted, a fee will be applied to the customer's account in

accordance with the water charges. Failure to submit test results within two business days of notice will result in shutoff of the meter, and assessment of a shutoff fee in accordance with the water charges.

- G. The restrictions on termination of service set forth in Public Utilities Code section 10010 are applicable to any shutoff proceedings.
- H. Water service will be reinstated only during regular working hours and only after successful test results are submitted to the department of public works and all fees assessed have been paid to the customer service division or special payment arrangements have been made with the director of finance.

3.35.080 Disconnection of Residential Water Service For Nonpayment

- A. This section governs the disconnection of residential water service for nonpayment consistent with the requirements of Health & Safety Code section 116900 and following. In the event of inconsistency between this section and any other section of the code, this section governs.
- B. "Residential service" means water service to a residential connection that includes single-family residences, multifamily residences, mobilehomes, including, but not limited to, mobilehomes in mobilehome parks, or farmworker housing.
- C. The city has adopted and will implement a policy on the disconnection of residential service for nonpayment in compliance with Health & Safety Code sections 116900 and following.
- D. The city's policy will be made available on the City's website.

3.35.090 Incorporation of Water Shutoff Protective Act

- A. The provisions of Health and Safety Code Section 11690 et. seq. "Water Shutoff Protective Act" ("Act"), as may be amended from time to time, are hereby incorporated by reference. In the event of any conflict between the provisions of the Act and this Chapter, the Act will control.
- B. Pursuant to the requirements of the Act, the city has adopted City Council Policy 9.03 "Residential Water Service Disconnection".