

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION No. 2020-01**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT
ESTABLISHING A POLICY ON THE DISCONTINUANCE OF WATER SERVICE IN
COMPLIANCE WITH THE WATER SHUTOFF PROTECTION ACT**

WHEREAS, on September 28, 2018 the Governor of the State of California approved Senate Bill (SB 998) pertaining to the discontinuance of residential water service for urban and community water systems; and

WHEREAS, SB 998 was added to Chapter 6 (commencing with Section 116900) of the California Health and Safety Code; and

WHEREAS, the District's current Policy Manual must be amended to comply with SB 998; and

WHEREAS, SB 998 requires public water systems with more than 200 connections to have a written Policy on discontinuation of residential water service (shutoff) in English and provide that Policy in the languages listed in Section 1632 of the Civil Code (Spanish, Chinese, Tagalog, Vietnamese, or Korean), and any other language that is spoken by at least 10% of the people residing within the service area; and

WHEREAS, SB 998 prohibits discontinuation of water service until a bill has been delinquent for 60 days and provides for a process to work through hardship situations; and

WHEREAS, SB 998 prohibits shutoff for nonpayment if all of the following conditions are met: (1) the customer, or tenant, submits a certification of a primary care provider that discontinuation of residential service will be life threatening or pose a serious threat to the health and safety of a resident, (2) the customer demonstrates that he or she is financially unable to pay within the normal billing cycle, and (3) the customer is willing to enter into an amortization agreement, reduced payments, or alternative payment schedule for all delinquent charges; and

WHEREAS, SB 998 requires the water system to provide information on how to restore water service and petition for a waiver of reconnection fees; and

WHEREAS, SB 998 requires the water system to offer a reduction or waiver of interest on delinquent bills once every 12 months for a residential customer who shows an income below 200% of the federal poverty line; caps reconnection fees at \$50 or less if the reconnection is during normal water system operational hours; caps reconnection fee at \$150 or less if the reconnection is during non-operational hours, with the applicable reconnection fee not to exceed the actual cost of reconnection; and

WHEREAS, SB 998 requires the water system to make every good faith effort to inform a tenant by written notice when the owner's account is in arrears and service is going to be terminated, and requires continued service if the tenant assumes responsibility to the satisfaction of the water system; and

WHEREAS, SB 998 authorizes the California State Water Resources Control Board to enforce requirements and the Attorney General to bring an action for temporary or permanent injunction; and

WHEREAS, SB 998 has other requirements relating to notices, website information, and reporting requirements; and

WHEREAS, it is in the public interest and the right of all Californians to have safe, accessible and affordable water as declared by Section 106.3 of the California Water Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Avila Beach Community Services District as follows:

1. The attached Policy on the Discontinuance of Water Service, attached hereto as Exhibit A, is hereby adopted.
2. The effective date of the attached Policy is April 1, 2020.

On the motion of Director Helenius, seconded by Director Berry, and on the following roll call vote, to wit:

AYES: Helenius, Berry + Kelley
NOES: x
ABSENT: Kennett + Najarian

The foregoing Resolution is hereby passed, approved and adopted by the Board of Directors of the AVILA BEACH COMMUNITY SERVICES DISTRICT this 10th day of March, 2020.



Peter Kelley, President
AVILA BEACH COMMUNITY SERVICES DISTRICT

ATTEST:


Brad Hagemann,
Secretary to the Board of Directors