

ORDINANCE NO. 96-01

**A ORDINANCE OF THE BOARD OF DIRECTORS
OF THE KNIGHTS LANDING COMMUNITY SERVICES DISTRICT
ADOPTING PROCEDURES FOR THE TERMINATION OF WATER SERVICE**

WHEREAS, the Knights Landing Community Services District ("the District") wishes to adopt a policy regarding termination of water service to encourage and, as necessary, enforce compliance with District rules and regulations including, but not limited to, timely payment of bills.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Knights Landing Community Services District as follows:

Section 1. TERMINATION OF SERVICE

The District may terminate water service for any of the following reasons:

a. Delinquency in the payment of any bill, except that residential service shall not be terminated for nonpayment in any of the following situations:

(1) During the pendency of any investigation by the District of a customer dispute or complaint.

(2) When a customer has been granted an extension of the period for payment of a bill.

(3) On the certification of a licensed physician that to terminate service will be life-threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into an amortization agreement with the District to amortize, over a period not to exceed 12 months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal payment period.

b. The unauthorized taking of water or the taking of water in excess of the amount paid for.

c. Failure of the customer to maintain his/her facilities in a suitable condition to prevent waste of water.

d. Violation of such other District rules or regulations, as may be hereafter specified by the District.

Section 2. NOTICE OF TERMINATION FOR NONPAYMENT OF RESIDENTIAL SERVICE

a. Prior to any proposed termination of residential service for nonpayment of a delinquent account, the District shall mail a notice, postage pre-paid, to the customer to whom the

service is billed of the delinquency and the impending proposed termination. Such notice shall be given not earlier than nineteen (19) days from the date of mailing the District's bill for such service. The notice shall give at least ten (10) days prior notice of the District's intent to terminate service and this ten (10) day period shall not begin until at least five (5) days after the mailing of the notice.

b. In addition to the ten day notice referenced in subdivision a, the District shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone or in person at least 24 hours prior to any termination of service. If telephone or personal contact cannot be made, the District shall give, by mail, in person, or by posting in a conspicuous location on the premises, a notice of termination of service, at least 48 hours prior to termination.

c. Every notice of termination of service required by this section, shall include the following information:

- (1) The name and address of the customer whose account is delinquent.
- (2) The amount of the delinquency.
- (3) The date by which payment or arrangements for payment is required in order to avoid the termination.
- (4) The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, unless the District's bill for services contains a description of that procedure.
- (5) The procedure by which the customer may request amortization of the unpaid charges.
- (6) The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state or federal sources, if applicable.
- (7) The telephone number of a District representative who can provide additional information or institute arrangements for payment.

Section 3. THIRD PARTY NOTIFICATION FOR ELDERLY OR DEPENDENT CUSTOMERS

The District shall make available to its residential customers who are 65 years of age or older, or who are dependent adults as defined in Welfare and Institutions Code section 15610(b), a third-party notification service, whereby the District 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 shall include information on what is required to prevent termination of service. The residential customer shall make a request for third-party notification on a form provided by the District, and shall include the written consent of the designated third party. The notification does not obligate the third party to pay the overdue charges, nor shall it prevent or delay termination of service.

Section 4. AMORTIZATION OF DELINQUENT BILL FOR RESIDENTIAL SERVICE

Any residential customer (1) who has initiated a complaint or requested an investigation, within five (5) days of receiving the disputed bill, or (2) who has requested an extension of the payment period within thirteen (13) days of the mailing of the notice required by Section 2, of a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment, shall be given an opportunity for review of the complaint, investigation, or request by an appropriate District representative. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed twelve (12) months. Any complaint or investigation pursuant to this section which has resulted in an adverse determination by the District representative may be appealed to the District Board of Directors.

Section 5. NOTICE OF TERMINATION OTHER THAN FOR NONPAYMENT OF RESIDENTIAL SERVICE

a. Except in emergency situations covered by paragraph b of this Section, at least ten (10) days before terminating service, other than the termination of residential service for nonpayment of a delinquent account, which is set forth in Section 1, the District shall provide the customer with a written notice which shall specify the reason for the proposed termination and inform the customer of the procedure for the availability of the opportunity to discuss the reason for the proposed termination with a District representative who is empowered to review disputes, to rectify errors and to settle controversies pertaining to such proposed termination of service. The name and phone number of such representative shall be included in any such notice of proposed termination given to a customer.

b. Water service may be terminated immediately without notice for any situation which presents an immediate health hazard to the public water system. The water service shall be locked and remain inactive until corrective action has been approved by the District. The District shall attempt to contact the customer by telephone and shall mail a certified letter to the customer as soon as reasonably possible to set forth the reasons for the emergency.

Section 6. TERMINATION OF SERVICE ON WEEKENDS, HOLIDAYS OR AFTER HOURS

No water service shall be terminated to any customer because of any delinquency in payment on any Saturday, Sunday, legal holiday, or at any time during which the District's business office is not open to the public.

Section 7. AUTHORITY TO SETTLE CONTROVERSIES RELATING TO TERMINATION AND TO PERMIT AMORTIZATION OF DELINQUENT BILLS

The District representative is hereby authorized to investigate complaints and review disputes pertaining to any matters for which service may be terminated and to rectify errors and settle controversies pertaining to such matters. The District representative is also authorized, upon a proper showing by a residential customer of the customer's inability to pay a delinquent bill during the normal period, to grant permission to amortize the unpaid balance over a reasonable period of time,

not to exceed twelve (12) months. At his/her discretion, the District representative may bring such controversies to the Board for settlement by the Board prior to the termination of such service.

Section 8. NOTICE REQUIRED PRIOR TO TERMINATION OF SERVICE FOR FAILURE TO COMPLY WITH AMORTIZATION AGREEMENT

If an amortization agreement is authorized by the District representative, no termination of service shall be effected for any residential customer complying with such agreement, if the customer also keeps the account current as charges accrue in each subsequent billing period. If a residential customer fails to comply with an amortization agreement, the District shall not terminate service without giving notice to the customer at least 48 hours prior to termination of the conditions the customer is required to meet to avoid termination, but the notice does not entitle the customer to further investigation by the District.

Section 9. REPEALS

Upon its effective date, this Ordinance shall supersede and replace any conflicting provision of that certain ordinance adopted by the Board of Directors of the Knights Landing Community Services District on May 24, 1971 (the "Water Ordinance"). Provisions of the Water Ordinance not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 10. ADOPTION

This Ordinance shall be published in a newspaper of general circulation within ten (10) days of its adoption, and shall take effect thirty (30) days after adoption.

To the extent the terms and conditions of this Ordinance are inconsistent with the terms and conditions of any prior District ordinances, rules, regulations, or actions, the terms and conditions of this Ordinance shall control.


PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Knights Landing Community Services District held on March 19, 1996, by the following vote:

AYES: 5
NOES:
ABSENT:
ABSTAIN:



MITCH DELMAGE, Chairman

ATTEST:



Secretary
Knights Landing Community Services District