

RESOLUTION NO. 5035

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER, RESCINDING RESOLUTION NO. 4972 AND ADOPTING ADMINISTRATIVE RULES AND REGULATIONS FOR THE CITY WATER SYSTEM PURSUANT TO THE MUNICIPAL CODE

WHEREAS, Senate Bill 998 (SB 998), Water Shut-off Protections Act (Chapter 6, Statutes of 2018) was passed by Legislature and Signed into law by the Governor in September 2018 in order to address the discontinuation of residential water service under specified circumstances;

WHEREAS, the SB 998 requires all public water systems with more than 200 connections to have a written policy on the discontinuation of residential water service;

WHEREAS, the City of Westminster, shall not discontinue residential service for non-payment until a payment by the customer has been delinquent for at least 60 days;

WHEREAS, the Mayor and City Council of the City of Westminster is hereby revised the water rate as follows:

SECTION 1. WATER RATES AND CHARGES FOR WATER SERVICES

Except as otherwise provided, pursuant to Westminster Municipal Code 13.08.160, all water rates, charges, surcharges, rules, and regulations, shall be set by the Mayor and City Council by separate resolution. The rates, charges, surcharges, rules and regulations provided in this section shall be effective February 24, 2021, for all water billing from the date forward. Each water service bill shall consist of a Fixed Customer Charge and a Commodity Charge or Fire Service Charge.

1.1 FIXED CUSTOMER CHARGE. The Fixed Customer Charge per account shall be as follows:

Table 1.1

Meter Charge (Meter Size)	Current Rates	Apr 2021	Jan 2022	Jan 2023	Jan 2024	Jan 2025
5/8"	\$15.51	\$16.24	\$17.30	\$18.34	\$19.45	\$20.62
3/4"	\$15.51	\$16.24	\$17.30	\$18.34	\$19.45	\$20.62
1"	\$24.98	\$23.82	\$25.37	\$26.90	\$28.52	\$30.24
1 1/2"	\$47.09	\$42.80	\$45.59	\$48.33	\$51.23	\$54.31
2"	\$69.20	\$65.56	\$69.83	\$74.02	\$78.47	\$83.18
3"	\$127.62	\$169.88	\$180.93	\$191.79	\$203.30	\$215.50
4"	\$198.67	\$289.39	\$308.21	\$326.71	\$346.32	\$367.10
6"	\$388.15	\$611.87	\$651.65	\$690.75	\$732.20	\$776.14
8"	\$624.99	\$1,067.12	\$1,136.49	\$1,204.68	\$1,276.97	\$1,353.59

Meter Charge (Meter Size)	Current Rates	Apr 2021	Jan 2022	Jan 2023	Jan 2024	Jan 2025
10"	\$893.42	\$1,598.26	\$1,702.15	\$1,804.28	\$1,912.54	\$2,027.30
12"	\$0.00	\$2,015.58	\$2,146.60	\$2,275.40	\$2,411.93	\$2,556.65

1.2 FIXED FIRE SERVICE CHARGE. The Fire Service Charge for private fire lines shall be as follows:

Table 1.2

Fire Service Charge (Fire line Size)	Current Rates	Mar 2021	Jan 2022	Jan 2023	Jan 2024	Jan 2025
2"	\$9.50	\$7.62	\$8.12	\$8.61	\$9.13	\$9.68
4"	\$29.70	\$21.99	\$23.42	\$24.83	\$26.32	\$27.90
6"	\$59.40	\$54.61	\$58.16	\$61.65	\$65.35	\$69.28
8"	\$95.04	\$110.89	\$118.10	\$125.19	\$132.71	\$140.68
10"	\$136.62	\$195.55	\$208.27	\$220.77	\$234.02	\$248.07
12"	\$184.14	\$195.55	\$208.27	\$220.77	\$234.02	\$248.07

1.3 COMMODITY CHARGE. The Commodity Charge shall be based upon the volume of water consumed, as measured by metering or as calculated by the City Engineer. The commodity rate for water service shall be charged per 100 cubic feet (CCF) of water. The commercial, industrial, and irrigation accounts will have varying tier widths based on meter size.

1.3.1 Single Family Dwellings. For single family dwelling residential customers as defined in Westminster Municipal Code Section 17.700.010, the water commodity charge shall be as detailed in Table 1.3.1.

Table 1.3.1

Description	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Single Family Dwellings						
Tier 1 (0-24 ccf)	\$3.16	\$3.21	\$3.42	\$3.63	\$3.85	\$4.09
Tier 2 (25+ ccf)	\$3.76	\$3.99	\$4.25	\$4.51	\$4.79	\$5.08

1.3.2 Multi-Unit Dwellings. For multi-unit family dwelling residential customers as defined in Westminster Municipal Code Section 17.700.010, the water commodity rate shall be as detailed in Table 1.3.2.

Table 1.3.2

Description	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Multi-Unit Dwellings						
Tier 1 (0-16 ccf)	\$3.17	\$3.33	\$3.55	\$3.77	\$4.00	\$4.24
Tier 2 (17+ ccf)	\$3.79	\$4.31	\$4.60	\$4.88	\$5.18	\$5.50

1.3.3 Hotels/Motels. For hotels and motels as defined in Westminster Municipal Code Sections 17.700.010, the water commodity charge shall be as detailed in Table 1.3.3.

Table 1.3.3

Description	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Hotel/Motel						
Tier 1 (0-7 ccf)	\$3.49	\$3.74	\$3.99	\$4.23	\$4.49	\$4.76
Tier 2 (8+ ccf)	\$4.11	\$5.00	\$5.33	\$5.65	\$5.99	\$6.35

1.3.4 Commercial/Industrial. For commercial, industrial and other customers, as defined in Westminster Municipal Code Section 17.700.010, the water commodity charge shall be as detailed in Table 1.3.4.

Table 1.3.4

Description	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Commercial / Industrial						
5/8" & 3/4"						
Tier 1 (0-26 ccf)	\$3.32	\$3.52	\$3.75	\$3.98	\$4.22	\$4.48
Tier 2 (27+ ccf)	\$3.94	\$3.93	\$4.19	\$4.45	\$4.72	\$5.01
1"						
Tier 1 (0-45 ccf)	\$3.32	\$3.52	\$3.75	\$3.98	\$4.22	\$4.48
Tier 2 (46+ ccf)	\$3.94	\$3.93	\$4.19	\$4.45	\$4.72	\$5.01
1 1/2"						
Tier 1 (0-119 ccf)	\$3.32	\$3.52	\$3.75	\$3.98	\$4.22	\$4.48
Tier 2 (120+ ccf)	\$3.94	\$3.93	\$4.19	\$4.45	\$4.72	\$5.01
2"						
Tier 1 (0-154 ccf)	\$3.32	\$3.52	\$3.75	\$3.98	\$4.22	\$4.48
Tier 2 (155+ ccf)	\$3.94	\$3.93	\$4.19	\$4.45	\$4.72	\$5.01
3"						
Tier 1 (0-542 ccf)	\$3.32	\$3.52	\$3.75	\$3.98	\$4.22	\$4.48
Tier 2 (543+ ccf)	\$3.94	\$3.93	\$4.19	\$4.45	\$4.72	\$5.01
4"						
Tier 1 (0-736 ccf)	\$3.32	\$3.52	\$3.75	\$3.98	\$4.22	\$4.48
Tier 2 (737+ ccf)	\$3.94	\$3.93	\$4.19	\$4.45	\$4.72	\$5.01
6"						
Tier 1 (0-1613 ccf)	\$3.32	\$3.52	\$3.75	\$3.98	\$4.22	\$4.48
Tier 2 (1614+ ccf)	\$3.94	\$3.93	\$4.19	\$4.45	\$4.72	\$5.01

1.3.5 Irrigation. For irrigation meter customers, as defined in Westminster Municipal Code Section 17.700.010, the water commodity rate shall be as detailed in Table 1.3.5.

Table 1.3.5

Description	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Irrigation						
5/8" & 3/4"						
Tier 1 (0-20 ccf)	\$3.74	\$3.33	\$3.55	\$3.77	\$4.00	\$4.24
Tier 2 (21+ ccf)	\$4.35	\$3.70	\$3.95	\$4.19	\$4.45	\$4.72
1"						
Tier 1 (0-35 ccf)	\$3.74	\$3.33	\$3.55	\$3.77	\$4.00	\$4.24
Tier 2 (36+ ccf)	\$4.35	\$3.70	\$3.95	\$4.19	\$4.45	\$4.72
2"						
Tier 1 (0-78 ccf)	\$3.74	\$3.33	\$3.55	\$3.77	\$4.00	\$4.24
Tier 2 (79+ ccf)	\$4.35	\$3.70	\$3.95	\$4.19	\$4.45	\$4.72
3"						
Tier 1 (0-132 ccf)	\$3.74	\$3.33	\$3.55	\$3.77	\$4.00	\$4.24
Tier 2 (133+ ccf)	\$4.35	\$3.70	\$3.95	\$4.19	\$4.45	\$4.72
4"						
Tier 1 (0-435 ccf)	\$3.74	\$3.33	\$3.55	\$3.77	\$4.00	\$4.24
Tier 2 (436+ ccf)	\$4.35	\$3.70	\$3.95	\$4.19	\$4.45	\$4.72

1.3.6 Fire. The Fire Commodity Service Charge for fire lines shall be as follows:

Table 1.3.6

Description	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Fire Protection	\$5.32	\$1.87	\$2.00	\$2.12	\$2.25	\$2.39

1.4 OUTSIDE CITY SURCHARGE. For customers serviced outside the City, an outside City surcharge of 13% will be applied to the rates and charges.

1.5 RATE SETTING AND ADJUSTMENTS.

1.5.1 Rate Setting. Rates, charges and surcharges shall be set and modified by the Mayor and City Council, from time to time, following a properly noticed public hearing. Once established, rates, charges, and surcharges shall remain in effect, subject to the automatic adjustments provided herein, until they are further modified by formal action of the City Council.

1.5.2 Automatic Rate Adjustments. Section 53756 of the Government Code permits City to adopt a rate schedule which provides for automatic adjustments to pass along increases or decreases in wholesale water charges and increased operating costs based on the Consumer Price Index. Pursuant to section 53756, the Mayor and City Council hereby authorize the following automatic adjustments to the Fixed Customer Charge and Commodity Charge.

(a) Wholesale Water Cost Adjustments. City reserves the right to automatically pass along future increases or decreases in wholesale water charges imposed on City by another agency. These automatic adjustments may be made whenever the other agency: (i) increases the standard wholesale cost of water beyond, or decreases the standard wholesale cost of water below, the current wholesale cost assumed by City in the proposed rate structure described in the resolution, or, (ii) imposes “penalties” or “surcharges” triggered when City’s total water use exceeds the water supply allocation imposed on City by the other agency.

(b) Inflation Adjustments. During fiscal year 2021, 2022, 2023, 2024, and 2025 the City’s Fixed Charges shall be automatically adjusted by the percentage rate increase in the Consumer Price Index – All Urban Consumers – All items, for the Los Angeles-Riverside-Orange County region.

(c) No adjustment described in this section shall be valid until at least 30-days’s notice has been provided to the rate payers pursuant to Government Code section 53755(a) or its successor.

(d) Subject to the restrictions in this section, the right to make adjustments shall begin on the effective date of this resolution and continue through December 31, 2025.

1.5.3 Any penalties provided for in any emergency water management plan adopted by the Mayor and City Council shall not affect the basic rate.

1.5.4 So long as debt financing remains outstanding with a lien on net revenue of the utility, authorized adjustments shall also include rate increases adequate to maintain the following:

(a) “Net revenue” as required by debt instrument;

(b) One year operating reserve;

(c) Reasonable capital replacement reserve;

(d) Rate stabilization reserve; and

(e) Payments associated with investor-owned utilities, such as franchise fees and property taxes assessed at full value of land and improvements

SECTION 2. SPECIAL APPLICATIONS

2.1 ADJUSTMENTS FOLLOWING A DISPUTE. In order to assure equity, and after investigation of the facts relating to a dispute of the charges by any consumer, the Finance Director or designee is authorized to adjust and grant rebates from rates and charges herein, provided the Finance Director or designee determines that such adjustment is reasonable and justified.

2.2 SELF-SUPPORTING. The water system is intended to be a fully self-supporting "Enterprise Fund" operated by the City. "Fully self-supporting" is intended to mean that fees and charges will be set to recover all authorized and budgeted costs, including:

2.2.1 Water purchase and pumping costs;

2.2.2 Utility costs required to operate the utility;

2.2.3 Personnel costs associated with Water Enterprise staff;

2.2.4 Prorated costs associated with the City's insurance, maintenance, equipment repair and replacement, as well as costs for maintaining and replacing the City's computer system;

2.2.5 Personnel cost associated with General Fund staff assigned to provide water system support services, prorated to time spent in support of water activities;

2.2.6 General administrative charges by the City, not to exceed 10% of utility revenue;

2.2.7 Charges assessed to investor-owned utilities at rates not to exceed those charged to investor-owned utilities;

2.2.8 Depreciation costs;

2.2.9 Reasonable capital replacement reserve;

2.2.10 Rates stabilization fund;

2.2.11 Any covenants and conditions associated with public financing(s) as may be necessary to maintain and improve the water system; accrued charges for General Fund services not paid in the budget year assessed;

2.2.12 Accrued charges for General Fund services not paid in the budget year assessed; and

2.2.13 Other costs and services directly associated with utility operation and adopted by the Mayor and City Council.

2.3 ACCRUED CHARGES. General Fund charges for personnel and administrative costs, as well as charges assessed in lieu of taxes otherwise paid by investor-owned utilities shall, to the extent possible, be paid in the budget year assessed. In the event the Finance Director or designee determines that financial circumstances limit or prohibit such payments, any balance remaining unpaid at year end shall be recorded as an obligation of the Water Fund, to be repaid, along with interest accrued at the City's cost of funds, at a future time which, in the opinion of the Finance Director or designee, is more financially reasonable.

2.4 VACANCIES. In case a unit served by a meter becomes vacant, the regular minimum billing charge shall be charged and collected from the owner thereof, whether water is used or not, unless the Water Division is requested to cut off the water service there from.

2.5 BILLING ESTIMATES FOR METER FAILURE. If a meter fails to register during any period, or is known to register inaccurately, the City may estimate the water charge by using an average daily consumption according to the season as shown by the meter when in used and registering accurately or, if there are no accurate records on file, a reasonable estimate.

2.6 METER TEST AS CONSUMER REQUEST. If a consumer requests a meter test in accordance with Westminster Municipal Code Section 13.08.070, the City may require a \$190 deposit. Such deposit will be refunded if the meter proves inaccurate beyond a 5% tolerance rate.

2.7 TEMPORARY SERVICE. Application shall be made to the Water Division for any temporary service for water from lines, hydrants or water stands, and shall be granted only to applicants holding a valid City business license. Installation, removal and deposit fees shall be charged in accordance with the current City Schedule of Fees and Charges for Hydrant Meter Rental. Water usage billing for such services shall be charged at the rate of 100% of Variable Water Commodity Charge per one hundred (100) cubic feet as set forth in **Section 1.3** of this resolution, plus the Fixed Customer Charge. The Finance Director or designee, in consultation with the Water Division, shall determine the proper category for the Variable Water Commodity Charge based on the intended use. If, in the determination of the Water Division, the setting of a meter is impractical or uneconomical for the supply of water, a reasonable estimate of the water to be used shall be made by the Water Division, and that amount will be used for purposes of billing. The water commodity charge for temporary water service shall be the same rate as the Table 1.3.1, Tier 1 of this resolution regardless of the amount of water consumed for temporary service.

Each customer of temporary water service shall be charged the Fixed Meter Charge found in Table 1.1 of this resolution in the same manner as all other customers based on the temporary water user's meter size.

2.8 DAMAGE. Except as determined by the Finance Director or designee, the customer of record shall be liable for any damage to a meter, including the breakage or destruction of locks, glass, curb stops or other property of the City water system. The property owner shall be responsible for damages in the event the customer is a tenant and does not reimburse the City for damages. Water service shall be discontinued until the City is reimbursed in full for all damages and costs associated with collection of damages.

2.9 SECOND READINGS. A separate charge may be assessed to the next billing for customers requesting second readings, or rereads, if the original reading is found to be correct. Charges shall be assessed in accordance with the current City Fees and Charges Schedule.

2.10 WATER LINE LOCATION SERVICE. A separate charge, based upon actual costs, will be assessed for persons requesting that the City locate and mark a water line so that they might make a connection to it for their own construction purposes.

2.11 ANNUAL BACKFLOW INSPECTION. A separate charge, based upon actual costs, will be assessed for the annual inspection of each registered backflow protection, device if the City actually performs the inspection and issues the certification.

SECTION 3. LIFELINE RATE

3.1. Not with standing any of the rates contained herein, there shall be established a Lifeline rate formula as follows:

3.1.1. Persons who have qualified for exemption from Utility User's Tax, as defined by the Mayor and City Council, shall automatically qualify for the Lifeline rates as defined herein.

3.1.2. Lifeline customers shall be charged the current applicable tiered residential water commodity rate for actual water usage. There shall be no fixed charge for persons who qualify for the Lifeline rate. This program will be funded from other City sources, and shall not be subsidized by increased rates to any other customer or customer class.

SECTION 4. BILLINGS AND DELINQUENCIES

4.1 BILLINGS. Customer shall be billed on a regular basis every eight (8) weeks.

4.2 WATER BILLS DUE DATE. All water bills shall be due and payable on the billing date shown on the bill and shall be delinquent twenty-nine (29) days following the bill date.

4.3 CHANGE OF ADDRESS. New water service shall not be started at any new address until all delinquent charges owing at the former place of residence or business within the City are paid.

4.4 NEW ACCOUNT SET-UP CHARGE. Charges shall be assessed in accordance with the current City Fees and Charges Schedule.

4.4.1 Name change: A separate charge, in accordance with the current City Fees and Charge Schedule, shall be assessed and added to the next regular billing for service transferred from one member of a family to another, or from one roommate to another, or to change the billing name on the account.

4.5 RETURNED CHECK CHARGES. A separate charge, in accordance with the current City Fees and Charges Schedule, shall be assessed and added to the account for all checks returned unpaid by the bank.

4.6 TERMINATION OF SERVICE.

4.6.1 Commercial. If any water bill remains delinquent thirty-five (35) days following the bill date, the water service shall be turned off forthwith and service shall not be restored until all charges have been paid. Charges shall be assessed in accordance with the current City Fees and Charges Schedule.

(a) Delinquent. Unless a customer request termination of service and closes the account prior to the turn-off for delinquency, the charges provided for herein will be added to the account for collection. If this same customer requests that service be reinstated, the customer shall follow all procedures for a new account turn-on and pay all charges owing on the delinquent account.

(b) Additional. In addition to voluntary and delinquent terminations, the City may also terminate service when, in the City's reasonable opinion, it is determined an account was opened using false information, has another utility or any other unpaid charge owed to the City, or otherwise has misrepresented themselves to the City.

(c) Other City Charges. The City may add charges over sixty (60) days past due from other City accounts and charges to the customer's water account, and terminate water service until all such past-due amount are paid.

(d) Payment Extensions. In case of hardship, the Finance Director or designee, in his sole discretion, may authorize the restoration of service, an extension of the payment date, or arrange other payment terms and conditions in order to allow services to be restored.

(e) Special Handling Based On Payment History. Customers with no water service payment delinquencies over the previous six billing periods shall not have service discontinued for a single delinquent water payment. The delinquent amount will still be owed, but shall be carried forward to the next bill.

If a customer's service is discontinued for a delinquent water service payment, once service is restored it shall be necessary for the customer to make six consecutive timely payments before a billing can be carried forward again to the next bill.

4.6.2 Residential. Charges shall be assessed in accordance with the current Discontinuation of Residential Water Service Policy below:

(a) Application of Policy. This Policy on Discontinuation of Residential Water Service (this "Policy") shall apply to all City accounts for residential water service, but shall not apply to any accounts for non-residential service. To the extent this Policy conflicts with any other rules, regulations, or policies of the City, this Policy shall control.

(b) Contact Information. For questions or assistance regarding your water bill, the City's Customer Service staff can be reached at (714) 894-3796. Customers may also visit the City's Customer Service desk in person at the following locations and times: Public Works Yard, 14381 Olive Street, Monday through Friday, from 7:30 a.m. to 4:30 p.m. or City Hall, 8200 Westminster Boulevard, Monday through Thursday, 7:30 a.m. to 5:30 p.m., except on City holidays.

(c) Billing Procedures. Water service charges are payable to the City once every eight (8) weeks or at such other frequency as determined by the City Council from time to time. All bills for water service are due and payable twenty-eight (28) days after mailing or e-mailing by the City. Any bills not paid within such period are considered delinquent.

(d) Water Flow Restrictors. In addition to any written warnings, City of Westminster may install a water flow restrictor device of approximately one (1) gallon per minute capacity for services up to one and one-half (1-1/2)

inches in size and comparatively sized restrictors for larger services. Prior to doing so, the City shall first provided a minimum of forty- eight (48) hours' notice of its intent to install a water flow restrictor. In the event that a customer refuses to permit the installation of a water flow restrictor following the City's election to do so, the City may terminate the customer's water service.

(e) Discontinuation of Water Service for Nonpayment. If a bill is delinquent for at least sixty (60) days, the City may discontinue water service to the service address.

(1) Written Notice to Customer. The City shall provide a mailed notice to the customer of record at least fifteen (15) days before discontinuation of water service. The notice shall contain:

- i. the name and address of the customer;
- ii. the amount of the delinquency;
- iii. the date by which payment or payment arrangements must be made to avoid discontinuation of service;
- iv. the procedure by which the customer may initiate a complaint or request an investigation or appeal concerning service or charges;
- v. a description of the procedure by which the customer may request an alternative payment arrangement, which may include an extension, amortization, alternative payment schedule, or payment reduction;
- vi. the telephone number where the customer may request a payment arrangement or receive additional information from the City.

(2) Written Notice to Occupants or Tenants.

- i. The City shall also send a notice to the occupants living at the service address at least ten (10) days before discontinuation of water service under the following circumstances: (1) the City furnishes individually metered service to a single-family dwelling, multi-unit residential structure, mobile home park, or farm labor camp and the owner, manager, or operator is the customer of record; or (2) the customer of record's mailing address is not the same as the service address. The notice will be addressed to "Occupant," will contain the information required in **Section 4.6.2(e)(1)** above, and will inform the residential occupants that they have the right to become customers of the City without being

required to pay the amount due on the delinquent account. Terms and conditions for occupants to become customers of the City are provided in **Section 4.6.2(i)** below.

- ii. If the City furnishes water through a master meter in a multi-unit residential structure, mobile home park, or permanent residential structures in a labor camp and the owner, manager, or operator is the customer of record, the City will make a good faith effort to inform the occupants, by means of written notice posted on the door of each residential unit at least fifteen (15) days prior to termination, that the account is in arrears and the service will be terminated on a date specified in the notice. If it is not reasonable or practicable to post the notice on the door of each unit, the City will post two (2) copies of the notice in each accessible common area and at each point of access to the structure or structures. The notice will inform the residential occupants that they have the right to become customers of the City without being required to pay the amount due on the delinquent account. The notice will also specify what the occupants are required to do in order to prevent termination of, or to reestablish service; the estimated monthly cost of service; the title, address, and telephone number of a representative of the City who can assist the occupants in continuing service; and the address or telephone number of a qualified legal services project that has been recommended by the local county bar association. Terms and conditions for occupants to become customers of the City are provided in **Section 4.6.2(i)** below.

(3) In-Person or Telephonic Notice. The City shall also make a reasonable, good faith effort to contact the customer of record or adult person living at the premises of the customer in person or by telephone at least seven (7) days before discontinuation of service. The City will offer to provide in writing a copy of this Policy and to discuss options to avert discontinuation of water service for nonpayment, including the possibility of an extension or other payments arrangement.

(4) Posting of Notice at Service Address. If the City is unable to make contact with the customer or an adult person living at the service address in person or by telephone, the City shall make a good faith effort to leave a notice of imminent discontinuation of residential service and a copy of this Policy in a conspicuous place at the service address. The notice and copy of this Policy shall be left at the residence at least forty-eight (48) hours before discontinuation of service. The notice shall include:

- i. the name and address of the customer;

- ii. the amount of the delinquency;
- iii. the date by which payment or payment arrangements must be made to avoid discontinuation of service;
- iv. the telephone number where the customer may request a payment arrangement or receive additional information from the City.

(5) Circumstances Under Which Service Will Not Be Discontinued. The City shall not discontinue residential water service for nonpayment under the following circumstances:

- i. During an investigation by the City of a customer dispute or complaint under **Section 4.6.2(f)(1)** below;
- ii. During the pendency of an appeal to the City Council under **Section 4.6.2(f)(2)** below; or
- iii. During the period of time in which a customer's payment is subject to a City-approved extension, amortization, alternative payment schedule, or reduction under **Section 4.6.2(f)** below, and the customer remains in compliance with the approved payment arrangement.

(6) Circumstances Under Which Service Through a Master Meter Will Not Be Discontinued. If the City furnishes water through a master in a multi-unit residential structure, mobile home park, or permanent residential structures in a labor camp and the owner, manager, or operator of the dwelling, structure, or park is the customer of record, the City shall not discontinue residential water service for nonpayment under the following circumstances:

- i. When the customer's indebtedness is owned to another public agency, or when the obligation represented by the delinquent account or indebtedness was incurred with any public agency other than the City's water utility;
- ii. If a delinquent account relates to another property owned, managed, operated by the customer;
- iii. If a public health or building officer certifies that termination would result in a significant threat to the health or safety of the residential occupants or the public.

(7) Special Medical and Financial Circumstances Under Which Services Will Not Be Discontinued.

- i. The City shall not discontinue customer water service if all of the following conditions are met:
 - a. The customer, or a tenant of the customer, submits to the City the certification of a licensed primary care provider that discontinuation of water service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided;
 - b. The customer demonstrates that he or she is financially unable to pay for residential service within the City's normal billing cycle. The customer is deemed financially unable to pay during the normal billing cycle if: (a) any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, MediCal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or (b) the customer declares under penalty of perjury that the household's annual income is less than 200 percent of the federal poverty level; and
 - c. The customer is willing to enter into an alternative payment arrangement, including an extension, amortization, alternative payment schedule, or payment reduction with respect to the delinquent charges.
- ii. For any customers who meet all of the above conditions, the City shall offer the customer one of the following options, to be selected by the City in its discretion: (1) an extension of the payment period; (2) amortization of the unpaid balance; (3) an alternative payment schedule. The City's Finance Director or designee will select the most appropriate payment arrangement, taking into consideration the information and documentation provided by the customer, as well as the City's payment needs.
- iii. The customer is responsible for demonstrating that the conditions in subsection (vii.1.a) have been met. Upon receipt of documentation from the customer, the City will review the documentation within seven (7) days and: (1) notify the customer of the alternative payment arrangement selected by the City and request the customer's signed assent to participate in that alternative arrangement; (2) request additional information from the customer; or (3) notify the customer that he or she does not meet the conditions in **subsection 4.6.2(e)(7)i**.

iv. The City may discontinue water service if a customer who has been granted an alternative payment arrangement under this sections fails to do any of the following for sixty (60) days or more: (a) to pay his or her unpaid charges by the extended payment date; (b) to pay any amortized amount due under the amortization schedule; (c) to pay any amount due under an alternative payment by its due date; or (d) to pay the reduced payment amount by its due date; or (e) to pay his or her current charges for water services. The City shall post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five (5) business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the City.

(8) Time of Discontinuation of Service. The City shall not discontinue water service due to nonpayment on a Saturday, Sunday, legal holiday, or at any time during which the City's office is not open to the public.

(9) Restoration of Service. Customers whose water service has been discontinued may contact the City by telephone or in person regarding restoration of service. Restoration shall be subject to payment of: (a) any past-due amounts, including applicable penalties; (b) any reconnection fees, subject to the limitations in **Section 4.6.2(h)(1)**, if applicable; (c) and a security deposit, if required by the City.

(f) Procedures to Contest or Appeal a Bill.

(1) Time to Initiate Complaint or Request an Investigation. A customer may initiate a complaint or request an investigation regarding the amount of a bill within five (5) days of receiving a disputed bill. For purposes of the **Section 4.6.2(f)(1)** only, a bill shall be deemed received by a customer five (5) days after mailing and immediately upon e-mailing.

(2) Review by City. A timely complaint or request for investigation shall be reviewed by a manager of the City, who shall provide a written determination to the customer. The review will include consideration of whether the customer may receive an extension, amortization, alternative payment schedule, or payment reduction under **Section 4.6.2(g)**. The City may, in its discretion, review untimely complaints or requests for investigation; however, such complaints or requests are not subject to appeal.

(3) Appeal to City Council. Any customer whose timely complaint or request for an investigation pursuant to this **Section 4.6.2(f)** has resulted in an adverse determination may appeal the determination to the City Council by filing a written notice of appeal with the City Clerk within ten (10) business days of the City's mailing of its determination. Upon receiving the notice of appeal, the City Clerk will set the matter to be heard at an upcoming City Council meeting and mail the customer written notice of the time and place of the hearing at least ten (10) days before the meeting. The decision of the City Council shall be final.

(g) Extensions and Other Alternative Payment Arrangements.

(1) Time to Request an Extension or Other Alternative Payment Arrangement. If a customer is unable to pay a bill during the normal payment period, the customer may request an extension or other alternative payment arrangement described in this **Section 4.6.2(g)**. If a customer submits his or her request within thirteen (13) days after mailing of a written notice of discontinuation of service by the City, the request will be reviewed by a manager of the City. City decisions regarding extensions and other alternative payment arrangements are final and are not subject to appeal to the City Council.

(2) Extension. If approved by the City, a customer's payment of his or her unpaid balance may be temporarily extended for a period not to exceed six (6) months after the balance was originally due. The City's Finance Director or designee shall determine, in his or her discretion, how long an extension shall be provided to the customer. The customer shall pay the full unpaid balance by the date set by the City and must remain current on all water service charges accruing during any subsequent billing periods. The extended payment date will be set forth in writing and provided to the customer.

(3) Amortization. If approved by the City, a customer's payment of his or her unpaid balance may be amortized over a period not to exceed twelve (12) months, as determined by the City's Finance Director or designee, in his or her discretion. If amortization is approved, the unpaid balance will be divided by the number of months in the amortization period, and that amount will be added to the customer's monthly bills for water service until fully paid. During the amortization period, the customer must remain current on all water service charges accruing during any subsequent billing periods. The amortization schedule and amounts due will be set forth in writing and provided to the customer.

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- (4) **Alternative Payment Schedule.** If approved by the City, a customer may pay his or her unpaid balance pursuant to an alternative payment schedule that will not exceed twelve (12) months, as determined by the City's Finance Director or designee, in his or her discretion. If approved, the alternative payment schedule may allow periodic lump-sum payments that do not coincide with the City's established payment date or may provide for payments made more or less frequently than the City's regular payment date. During the period of the alternative payment schedule, the customer must remain current on all water service charges accruing during any subsequent billing periods.

The alternative payment schedule and amounts due will be set forth in writing and provided to the customer.

- (5) **Payment Reduction.** Not Applicable.
- (6) **Failure To Comply.** If a customer has been granted a payment arrangement under this **Section 4.6.2(g)** and fails to: (1) pay the unpaid charges by the extension date; (2) pay an amount due under an amortization schedule; (3) pay an amount due under an alternative payment schedule, then the City may terminate service. The City will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five (5) business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the City.
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(h) Specific Programs of Low-Income Customers.

- (1) **Reconnection Fee Limits and Waiver of Interest.** For residential customer who demonstrate to the City a household income below 200 percent of the federal poverty line, the City will:
- i. Limit any reconnection fees during normal operating hours to fifty dollars (\$50), and during non-operational hours to one hundred-fifty dollars (\$150). The limits will only apply if the City's reconnection fees actually exceed these amounts. These limits are subject to an annual adjustment for changes in the Bureau of Labor Statistic's Consumer Price Index (CPI-U) beginning January 1, 2021.
- (2) **Qualifications.** The City will deem a residential customer to have a household income below 200 percent of the federal poverty line if: (a) any member of the household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or
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(b) the customer declares under penalty of perjury that the household's annual income is less than 200 percent of the federal poverty level.

(i) Procedures for Occupants or Tenants to Become Customers of the City.

- (1) Applicability.** This section shall apply only when the property owner, landlord, manager, or operator of a residential service address is listed as the customer of record and has been issued a notice of intent to discontinue water service due to non-payment.
- (2) Agreement to City Terms and Conditions of Service.** The City will make service available to the actual residential occupants if each occupant agrees to the terms and conditions of service and meets the requirements of the City's rules and regulations. Not with standing, if one or more of the occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the City, or if there is a physical means, legally available to the City, of selectively discontinuing service to those occupants who have not met the requirements of the City's rules and regulations, the City shall make service available to the occupants who have met those requirements.
- (3) Verification of Tenancy.** To be eligible to become a customer without paying the amount due on the delinquent account, the occupant shall verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Section 1962 of the Civil Code, at the discretion of City.
- (4) Methods of Establishing Credit.** If prior service for a period of time is a condition for establishing credit with the City, residence and proof of prompt payment of rent for that period of time is a satisfactory equivalent.
- (5) Deductions from Rental Payment.** Pursuant to Government Code Section 60371(d), any occupant who becomes a customer of the City pursuant to this **Section 4.6.2(i)** and whose periodic payments, such as rental payments, include charges for residential water service, where those charges are not separately stated, may deduct from the periodic

payment each payment period all reasonable charges paid to the City for those services during the preceding payment period.

- (j) Third Party Notification Service for Seniors and Dependent Adults.** The City will make available, to residential customers who are 65 years or older, or who are dependent adults (as defined in Welfare and Institutions Code Section 15610 (b)(1)), a third-party notification service whereby the City 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 will include information on what is required to prevent termination of service. The City will mail the notification to the designated third party at least ten (10) days before termination of service. To participate, the customer must submit a request for third-party notification on a form provided by the City, and must include the written consent of the designated third party. The notification service does not obligate the third party to pay any overdue charges, nor shall it prevent or delay termination of service.
- (k) Language for Certain Written Notices.** All written notices under **Section 4.6.2(e)** and **Section 4.6.2(g)(6)** of this Policy shall be provided in English, Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language spoken by ten percent (10%) or more people within the City's service area.
- (l) Other Remedies.** In addition to discontinuation of water service, the City may pursue any other remedies available by law or equity for nonpayment of water service charges, including, but not limited to: securing delinquent amounts by filing liens on real property, filing a claim or legal action, or referring the unpaid amount to collections. In the event a legal action is decided in favor of the City, the City shall be entitled to the payment of all cost and expenses, including attorneys' fees and accumulated interest.
- (m) Discontinuation of Water Service for Other Customer Violations.** The City reserves the right to discontinue water services for any violations of City ordinances, rules, or regulations other than nonpayment.
- (n) Fees and Charges Incurred.** Except as otherwise expressly stated in this Policy, any fees and charges incurred by a customer under any other rules, regulations, or policies of the City, including, but not limited to, delinquent charges, shall be due and payable as set forth therein.

SECTION 5. METER AND FIRE CHARGES

The City shall charge and collect, in advance, for each water connection made with its water system in accordance with the adopted fees and charges of the City.

5.1 CHANGE OF METER LOCATION OR SIZE. Any person desiring to change the location or size of an existing service/meter shall make application to the Water Division. Charges shall be in accordance with the current City Fees and Charges Schedule.

5.2 PRIVATE FIRE PROTECTION SERVICE. The City will assess approved charges to customers for private fire lines used exclusively for fire protection, whether said lines are connected with automatic sprinkling system or private fire hydrants.

5.2.1 Fire Service Installation. City’s labor charges shall be in accordance with the current City Fees and Charges Schedule, plus applicable meter and material charges, if any.

5.2.2 Fire Service Usage. The Fire Service Charge for private fire lines shall be the sum of the Customer Charge and the Variable Water Commodity Charge.

(a) The Customer Charge for providing fire service is simply the cost of the water with no other components added.

Fire Service Charge (Fire line Size)	Current Rates	Mar 2021	Jan 2022	Jan 2023	Jan 2024	Jan 2025
2”	\$9.50	\$7.62	\$8.12	\$8.61	\$9.13	\$9.68
4”	\$29.70	\$21.99	\$23.42	\$24.83	\$26.32	\$27.90
6”	\$59.40	\$54.61	\$58.16	\$61.65	\$65.35	\$69.28
8”	\$95.04	\$110.89	\$118.10	\$125.19	\$132.71	\$140.68
10”	\$136.62	\$195.55	\$208.27	\$220.77	\$234.02	\$248.07
12”	\$184.14	\$195.55	\$208.27	\$220.77	\$234.02	\$248.07

SECTION 6. WATER MAIN INSTALLATION CHARGE UPON CONNECTION

Whenever any person occupying, owning or having an interest in any land adjacent to a street, alley, or easement in which the City has installed or agreed to install a water line to serve said property applies for a service connection, they shall pay to the Water Department of the City, at the time of making said application, a water main installation charge which shall be computed on the basis of the length and size of the main installed in said street, alley or easement abutting or adjacent to said property.

Said water main installation charges, approved in accordance with the current City Fees and Charges Schedule, shall be assessed in addition to the service and meter charges specified elsewhere.

The computation of the footage charges shall be based upon the length of all the boundary lines of said property abutting to/adjacent to said street, alley or easement in which any water main, line or other facility is installed for the transmission or distribution of water.

SECTION 7. INTERPRETATION OF RESOLUTION

At the discretion of the Finance Director or designee and after due investigation of the facts and circumstances, any and all of the above charges may be adjusted or waived to facilitate and preserve the true intent of this resolution.

SECTION 8. GENERAL FUND ADVANCES

The Finance Director or designee is authorized to record all amounts budgeted to be transferred to the General Fund including, but not limited to, direct staffing charges, administrative fees and charges in lieu of franchise and property tax assessments otherwise assessed against investor-owned utilities, which for any reason cannot be transferred to the General Fund within the budgeted year as advances from and owed to the General Fund. These amounts shall be repaid, with interest at the City earnings rate, at a time when, in the opinion of the Finance Director or designee, water fund resources are adequate to repay the General Fund advances.

SECTION 9. EFFECTIVE DATE

The rules, regulation, fees and charges set forth in this Resolution are to be effective on February 24, 2021. As of the effective date, this Resolution shall rescind and replace Resolution No. 4972.

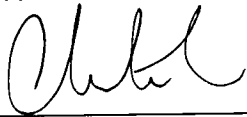
PASSED, APPROVED AND ADOPTED this 24th day of February 2021 by the following vote:

AYES:	COUNCIL MEMBERS:	TA, NGUYEN, MANZO
NOES:	COUNCIL MEMBERS:	DO, HO
ABSENT:	COUNCIL MEMBERS:	NONE



TRI TA, MAYOR

ATTEST:



CHRISTINE CORDON, CITY CLERK

APPROVED AS TO FORM:



CHRISTIAN BETTENHAUSEN, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF WESTMINSTER)

I, CHRISTINE CORDON, hereby certify that I am the duly appointed City Clerk of the City of Westminster and that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Westminster held on the 24th day of February 2021.



Christine Cordon, City Clerk