



San Miguel Utility Billing Policy November 2018

Section 1. Policy Purpose and Application

The Board of Directors adopts this policy to:

- a. Provide procedures for billing of varied occupancies based on the approved rate structure;
- b. Provide a fair and impartial procedure for customers to dispute fees assessed by the District;
- c. Establish a comprehensive policy for District billing practices and provide customers notice of their payment duties and obligations;
- d. Facilitate timely payment from District customers to meet the District's financial obligations;
- e. Ensure that customers that meet their obligation of timely payment do not bear the additional cost of those who do not;
- f. Establish enforcement mechanisms to obtain payment when a customer refuses to pay or cannot be found;
- g. Establish procedures for District customers to dispute the accuracy of any utility bill, late fee, or other enforcement mechanism used by the District for the collection of utility charges.

Section 2. Payment Due

Payment for services shall be due upon receipt and are deemed past due by the 10th of the following month. Accounts are subject to discontinuation of services, per Section 6 of this Policy, 60 days after the billing date shown on the bill ("Discontinuation of Services Date").¹

Section 3: Late Fees

- a. Payments received after the due date will be assessed a ten percent (10%) penalty of any unpaid balance, in compliance with California Government Code section 61115, subdivision (A)(3)(c). For every month a balance remains unpaid, the District will assess an additional one percent (1%) penalty for each month the balance remains unpaid. The additional 1% penalty each month is in addition to the initial ten percent (10%) penalty.

¹ This provision is a requirement of SB 998, and the District shall be compliant with this provision on or before April 1, 2020.

- b. The District will waive interest charges on delinquent bills once every 12 months for a residential customer who can demonstrate to that his or her household income is below 200 percent of the federal poverty line.²
- c. Each customer shall be responsible for paying reasonable expenses of collection, including, but not limited to, attorney's fees and costs should it become necessary to use such measures to collect the charges on the customer's account.

Section 4 application of monthly water and wastewater rates based on occupancy

a. Large meters

i. Water Billing:

All services with water meters 1 1/2" and larger in size, regardless of occupancy, will be considered commercial and charged according to the size of the meter in addition to the non-residential usage tier rates for actual usage. Within the initial fixed charge, which is indicated on the customer's water bill, the service will be granted 5 hundred cubic feet ("HCF"). Actual usage fees will apply after the initial 5 HCF.

ii. Wastewater Billing:

All services with water meters 1 1/2" and larger in size will be charged one commercial fixed charge per building and a usage rate based on their volumetric strength, as determined by the current strength listing adopted by board resolution.

The volumetric rate will be based on the predominant building usage based on square footage within the building. If a building has two occupancies of equal square footage within the building, then the usage rate will be the higher of the two.

b. Small meter (water meters 1" and smaller)

i. Water Billing:

SINGLE FAMILY RESIDENTIAL

All water meters 1" and smaller in size which serve single-family residences will be charged one (1) 1" meter fixed rate per separate residence and usage based on the Single-Family Tier structure. Within the initial fixed charge, which is indicated on the customer's water bill, the he service will be granted 5 HCF per separate residence. Actual usage fees will apply after the initial 5 HCF per separate residence.

MULTIFAMILY RESIDENTIAL

All water meters 1" and smaller in size which serve properties with multi-family residential units will be charged one (1) 1" meter fixed rate per residential building and usage based on the Single-Family Tier structure. The service will be granted 5 HCF per residential building within the fixed rate. Actual usage fees will apply after the initial 5 HCF per residential building.

² This provision is a requirement of SB 998, and the District shall be compliant with this provision on or before April 1, 2020.

COMMERCIAL OR MIXED USE

All water meters 1” and smaller in size which serve properties with commercial or mixed-use occupancies will be classified as commercial and charged one (1) 1” meter fixed rate per building and usage based on the non-residential Tier structure. The service will be granted 5 HCF per building within the fixed rate. Actual usage fees will apply the initial 5 units per building.

ii. *Wastewater Billing:*

SINGLE FAMILY RESIDENTIAL

All water meters 1” and smaller in size that serve single-family residence(s) will be charged one (1) single family fixed charge per residence.

MULTIFAMILY RESIDENTIAL

All water meters 1” and smaller in size that serve multifamily dwelling units will be charged one (1) multifamily fixed charge per dwelling unit.

COMMERCIAL OR MIXED USE

All water meters 1” and smaller in size that serve commercial, or mixed-use occupancies will be charged one commercial fixed charge per building and a usage rate based on their volumetric strength as determined by the strength listing.

The volumetric rate will be based on the predominant building usage based on square footage within the building. If a building has two occupancies of equal square footage within the building, then the usage rate will be the higher of the two.

Properties with multiple residential buildings which are each 500 square feet or less in size and served by a single meter will be considered commercial in nature and charged one (1) commercial fixed charge and usage rate based on their volumetric strength as determined by the strength listing.

Section 5: Long term Suspension of service

- a. Upon written request to the District General Manager, a customer can request that their water and sewer service be suspended for a period of no less than six (6) months.
- b. A written request must be made at least 15 days prior to the requested suspension date indicating the reason for the suspension, date of shutoff, and date of restart. The written request must contain the name of a contact, and that person’s contact information for the customer while they are out of the area or an alternate contact for someone able to make financial commitments on behalf of the current customer.
- c. If the customer is not the property owner, authorization from the property owner must also be provided prior to approval of the suspension.
- d. In order to process the request for suspension the account must be paid in full at the time of suspension.
- e. Only one suspension will be allowed per year per account.
- f. On the day of the suspension the water meter will be turned off and locked.
- g. The District is not responsible for damage to piping or personal property past the water meter due to the long-term suspension of water and sewer service.

- h. If the service to be suspended also provide water to residential or commercial fire sprinklers, then the suspension of that service will cause the fire sprinklers to not work. The District is not responsible for damage to the building, fire sprinkler system, or any other property as a result of the water being turned off at the account holders request.

Section 6: Discontinuance of Service

Notice to Residential Owner

Prior to the Discontinuation of Services Date, the District will take the following steps:

- a. The District will make a good faith effort to contact the account holder or other responsible party by telephone, personal contact, and if possible by text or email regarding the outstanding charges.
- b. The District must provide notice to the customer of delinquency and pending termination at least fifteen (15) days prior to the Discontinuation of Services Date.
 - This notice must be sent by mail, postage prepaid to customer whom the service is billed.
 - This notice will include the following information:
 1. Name and address of the delinquent customer;
 2. The amount of the delinquency;
 3. Date by which payments or arrangements for payment is required to avoid discontinuation of service or charges;
 4. Procedure by which the customer may initiate a complaint or request an investigation concerning service or charges;
 5. Procedure by which the customer may request the implementation of a payment plan for the unpaid charges;
 6. Procedure for the customer to obtain information on the availability of financial assistance (including private, local, state, or federal sources, if applicable); and
 7. The telephone number of a District employee who can provide additional information or institute arrangements for payment.
- c. If the District is unable collect the delinquent amount, or unable to contact the account holder or other responsible party the District shall deliver a “48-hour Disconnection Notice”, in the form of a door hanger placed at the service address, informing the delinquent customer that their service will be disconnected on a specified date if the account remains unpaid.
- d. Once a 48-hour disconnection notice has been delivered, the District shall make a good faith effort to contact the account holder, property owner, or other responsible adult residing at the residence by telephone, text or email at least 24 hours prior to the Discontinuation of Service Date.
- e. If the District is unable to make contact with a responsible party, a 24-hour shut of notice will be delivered to the service address in the form of a door hanger, indicating the shut off reason, date, amount owed and approximate shut off time.
- f. Should a customer’s service be disconnected, at the time of disconnection a “Notice of Service Disconnection” will be posted via door hanger at that time.

- g. Services shall not be disconnected pending an appeal, as outlined in Section 9 of this Policy below, or pending a request for relief, until the Board of Directors rules on the appeal.
- h. The Board of Directors has previously established a service disconnection and reconnection fee by resolution. The Board of Directors may amend the service disconnection and reconnection fee at any time by resolution.

Notice to Landlord/Tenant Individual Meter

For residential occupants receiving services through an individual meter in a detached single-family dwelling, a multi-unit residential structure, mobile home park, or a permanent residential structure in a labor camp, and the owner, manager, or operator is listed as the customer of record, and the District will provide notice to the residential occupant(s) that account is delinquent.

Prior to the Discontinuation of Services Date, the District will take the following steps:

- a. The District will make a good faith effort to contact the account holder or other responsible party by telephone, personal contact, and if possible by text or email regarding the outstanding charges. Additionally, the District must provide notice to the customer of delinquency and pending termination at least ten (10) days prior to the Discontinuation of Services Date.
 - This notice must be sent by mail, postage prepaid to customer whom the service is billed.
 - This notice will include the following information:
 1. Name and address of the delinquent customer;
 2. The amount of the delinquency;
 3. Date by which payments or arrangements for payment is required to avoid discontinuation of service or charges;
 4. Procedure by which the customer may initiate a complaint or request an investigation concerning service or charges;
 5. Procedure by which the customer may request the implementation of a payment plan for the unpaid charges;
 6. 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 employee who can provide additional information or institute arrangements for payment;
 8. The date that the District will discontinue services; and
 9. Information that the residential occupants have the right to become customers of the public utility without being required to pay the amount due on the delinquent account.
- b. If the District is unable collect the delinquent amount, or unable to contact the account holder or other responsible party the District shall deliver a “48-hour Disconnection Notice”, in the form of a door hanger placed at the service address, informing the delinquent customer that their service will be disconnected on a specified date if the account remains unpaid.
- c. Once a 48-hour disconnection notice has been delivered, the District shall make a good faith effort to contact the account holder, property owner, or other responsible adult

residing at the residence by telephone, text or email at least 24 hours prior to any termination of service.

- d. If the District is unable to make contact with a responsible party, a 24-hour shut of notice will be delivered to the service address in the form of a door hanger, indicating the shut off reason, date, amount owed and approximate shut off time.
- e. Should a customer's service be disconnected, at the time of disconnection a "Notice of Service Disconnection" will be posted via door hanger at that time.
- f. Services not disconnected prior to an appeal, as outlined in Section 9 of this Policy below, or request for relief shall not be disconnected until the Board of Directors rules on the appeal.
- g. The Board of Directors has previously established a service disconnection and reconnection fee by resolution. The Board of Directors may amend the service disconnection and reconnection fee at any time by resolution.

Notice to Landlord/Tenant Master Meter

For residential occupants receiving services 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 listed as the customer of record, provide notice to each residential unit that account is delinquent.

Prior to the Discontinuation of Services Date, the District will take the following steps:

- a. The District will make a good faith effort to contact the account holder or other responsible party by telephone, personal contact, and if possible by text or email regarding the outstanding charges. Additionally, the District must provide notice to the customer of delinquency and pending termination at least fifteen (15) days prior to the Discontinuation of Services Date.
 - This notice must be sent by mail, postage prepaid to customer whom the service is billed.
 - This notice will include the following information:
 1. Name and address of the delinquent customer;
 2. The amount of the delinquency;
 3. Date by which payments or arrangements for payment is required to avoid discontinuation of service or charges;
 4. Procedure by which the customer may initiate a complaint or request an investigation concerning service or charges;
 5. Procedure by which the customer may request the implementation of a payment plan for the unpaid charges;
 6. 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 employee who can provide additional information or institute arrangements for payment;
 8. The date that the District will discontinue services;
 9. Information that the residential occupants have the right to become customers of the public utility without being required to pay the amount due on the delinquent account; and

10. Must specify, in plain language, what the residential occupants are required to do in order to prevent discontinuation of service, or to reestablish service; and
11. The telephone number of a qualified legal services project, which has been recommended by the local county bar association.

Notice to Elderly or Dependent Adult

If a customer is 65 years of age or older, or a dependent adult, the following must apply:

- a. The District must provide an option to these customers for third-party notification services. For example, a qualified customer may designate his or her adult child as the designated third-party to be notified about a delinquent payment.
- b. The qualified customer shall make a request to designate a third-party to be notified on a form provided by the District and shall include the written consent of the designated third-party.
- c. The third-party notification does not obligate the third-party to pay the overdue charges, nor shall it prevent or delay the termination of services.
- d. If a qualified customer requests third-party notification, the District must attempt to notify the designated third-party to receive notification when the qualified customer's account is past due and subject to discontinuation of services.
- e. Notification shall include information on requirements to prevent discontinuation of services.

Exceptions to Discontinuation of Services

The District will not discontinue services in the following instances:

- a. On Saturday, Sunday, legal holiday, or hours during which business offices of the District's Utility Department are not open to the public;
- b. If the customer disputes the bill and during the pendency of an investigation into the customer's dispute or complaint, as outlined in Section 7 of this Policy;
- c. When the customer has been granted an extension of the period to pay the bill (however, termination may be applicable if the extension period expires);
- d. If the customer is compliant with an amortization agreement and the customer also keeps the account current as charges accrue in each subsequent billing period; and
- e. A licensed physician or surgeon has certified that termination of services will be life threatening to the customer, and the customer is financially unable to pay for service in the normal payment period, and the customer is willing to enter into an amortization agreement for all charges that the customer is unable to pay prior to delinquency.

Section 7: Request for Relief

- a. Any customer of the District may file a written request with the General Manager disputing any fee or charge assessed by the District or water service disconnection within five (5) days of the fee becoming due or water service becoming disconnected. Time limitations prescribed by this subsection shall not apply within the first ninety (90) days of this policy's adoption.

- b. Within thirteen (13) days of submitting the request in writing, the customer may make a request for an extension of the payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment.
- c. The General Manager shall review all written requests for relief and either deny the request or grant the relief requested or a portion thereof. Factors for consideration shall include:
 - 1. Billing errors;
 - 2. Faulty meter or a misread meter;
 - 3. A water leak was present necessitating a leak adjustment;
 - 4. Consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time; and
 - 5. Any other factor deemed relevant by the General Manager.

Section 8: Request for Relief, leak adjustments

- a. Any customer of the District may file a written request for a leak adjustment.
 - i. The written request must include the following information: account number, name on the account, date leak was fixed, cause of the leak, supporting information of the leak repair (receipts, pictures, etc.).
- b. To apply for a leak adjustment, the following conditions must be met:
 - i. The customer's account must be current, the customer must have taken immediate action to repair the leak once the leak was identified, and the customer must not have had any other leak adjustment within 12 months of the current request.
- c. If approved by the General Manager, the amount of the credit will be determined by subtracting the average of the previous 12 months' bills from the bill for the period in which the leak occurred and dividing that amount by two.

Section 9: Appeals

- a. Any customer of the District who disputes the General Manager's final decision under section 7 and 8 of this policy, may appeal the decision by filing a "Notice of Appeal" no later than fifteen (15) days from the date of the General Manager's final decision. Appeals of the General Manager's decision shall be heard by the Board of Directors.
- b. No customer shall be entitled to a hearing before the Board of Directors without first requesting relief pursuant to Section 7 or Section 8.
- c. The Notice of Appeal shall set forth the basis for the appeal and all facts upon which the appeal is based.
- d. Within fifteen (15) days of receiving the Notice of Appeal, the General Manager shall notify the appellant of the time and place for the hearing. The General Manager shall provide notice of the hearing to the appellant no later than fourteen (14) days prior to the hearing.
- e. The customer may present evidence demonstrating that the utility bill is inaccurate, or the amount owed is improper. The General Manager may present evidence that demonstrates the accuracy of the utility bill and evidence that justifies the amount of the utility bill.
- f. The Board of Directors may affirm the amounts assessed by the General Manager, reduce any portion of the delinquent amount or penalties, or find that the imposition of the

penalty is not warranted. When reducing the amount sought by the utility bill, the Board shall make a finding on the record that the reduction is in the public interest.

- g. The Board of Directors' decision shall be final, and outstanding balances shall be due immediately, unless otherwise extended by the Board of Directors.
- h. The Board of Directors, in its sole discretion, may refuse to hear an appeal and instead have the appeal heard by a neutral arbitrator. Costs of arbitration prescribed by this subsection shall be split evenly by the District and the customer.

Section 10. Collection Via Tax Roll

Any amount that remains outstanding thirty (30) days after the appeal hearing or any amount that becomes final and unappealable may be collected on the tax roll in the same manner as property taxes, pursuant to Government Code section 61115. The General Manager shall prepare and file a report with the Board of Directors that describes the affected property and the amount of charges and delinquencies for the year. The General Manager shall publish notice of the filing of the report and of the time and place for a public hearing in a newspaper of general circulation once a week for two weeks at least fourteen (14) days prior to the public hearing.

At the public hearing, the Board of Directors shall hear and consider any objections or protests to the report. At the conclusion of the public hearing, the Board of Directors may adopt or revise the charges and penalties prior to adopting the final report. The Board of Directors determination on each affected parcel and its determinations shall be final.

After the Board of Directors adopts the final report, the General Manager shall submit the final report to the County of San Luis Obispo Clerk Recorder on or before June 1st of each year, and the delinquent charges shall become an assessment against each affected parcel and collected in the same manner as property taxes.

Section 11. Severability

If any part of this policy, or the application thereof to any person or circumstance, is held invalid, the remainder of the policy, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the sections of this policy are severable.