

**CITY COUNCIL, CITY OF LOYALTON, COUNTY OF SIERRA
STATE OF CALIFORNIA**

**RESOLUTION PROCLAIMING THE EXISTENCE OF A LOCAL STATE OF
EMERGENCY IN THE CITY OF LOYALTON AS A RESULT OF THE
COVID-19 PANDEMIC VIRUS**

RECITALS

- 1) **WHEREAS**, The California Emergency Services Act, including but not limited to Government Code Section 8630 and the City of Loyalton Municipal Code, Chapter 6.40- Emergency Organization, authorizes the City Council when in session, to proclaim the existence or threatened existence of a “local emergency” as defined; and,
- 2) **WHEREAS**, the World Health Organization on January 30, 2020, declared the COVID-19 outbreak a public health emergency of international concern and on January 31, 2020, the United States Department of Health and Human Services declared a Public Health Emergency for the United States; and,
- 3) **WHEREAS**, on March 4, 2020 the Governor of the State of California proclaimed s State of Emergency related to the COVID-19 outbreak, which among other things, directed the California Office of Emergency Services to provide assistance to Local Government; and,
- 4) **WHEREAS**, the Sierra County Medical Operational Area Council directed that the County Public Health Department Operational Center be activated to a Level I as of March 2, 2020 and upgraded to a Level II as of March 16, 2020; and,
- 5) **WHEREAS**, the President of the United States on March 13, 2020 made a National Emergency Declaration on the COVID-19 pandemic and this emergency declaration includes all States, Territorial, Local, and Tribal Governments in the United States; and,
- 6) **WHEREAS**, the Centers for Disease Control and Prevention (CDC) has determined that the COVID-19 virus presents a serious public health threat, requiring coordination among Federal, State, and Local Agencies and Public Health Departments to ensure readiness for potential health threats associated with the virus; and,
- 7) **WHEREAS**, on March 19, 2020 the Governor of the State of California issued Executive Order N-33-20 ordering all individuals living in the State of California to stay at home or at their place of residence excepted as needed to maintain continuity of operations in 16 federal critical infrastructure sectors and other sectors designated by the Governor in order to protect the health and well-being of all Californians; and,
- 8) **WHEREAS**, on March 20, 2020, the Board of Supervisors of Sierra County proclaimed the existence of a local state of emergency in Sierra County as a result of the COVID-19 pandemic virus; and,
- 9) **WHEREAS**, the City Council finds that conditions of extreme peril to the health and safety of persons and property have further arisen within the City of Loyalton, caused by

the COVID-19 pandemic, resulting in a significant diversion and exhaustion of resources, budget, facilities, and personnel of Local Government and is resulting in severe economic impact to the City; and,

10) WHEREAS, the City Council finds that isolation of communities, exhaustion of local resources, the increasing and long-term damages and impacts caused by the COVID-19 pandemic as well as future damages and impacts yet to be determined are certain to be in existence and these present and future responses and assessments have diverted local resources from day to day operations beyond the control of personnel, services, equipment and budget of the City of Loyalton; and,

NOW, THEREFORE, IT IS HEREBY PROCLAIMED pursuant to Government Code, Section 8630 of the California Emergency Services Act, and the City of Loyalton Municipal Code, Chapter 6.40-Emergency Organization, a local state of emergency exists within and throughout the City of Loyalton and the conditions of extreme peril to the safety of persons residing and working in the City of Loyalton has arisen caused by the COVID-19 pandemic; has exhausted local resources, personnel, facilities and budget; and, has severely impacted the ability of the City of Loyalton to provide its most basic governmental and extended public services.

BE IT FURTHER RESOLVED THAT, by means of this declaration, the City Director of Emergency Services is directed to coordinate services and response and is hereby authorized to use and employ the functions, powers, and duties prescribed and authorized in Chapter 6.40 of the City of Loyalton Municipal Code, including use of the any of the property, services, personnel and resources of the City to help mitigate this emergency.

BE IT FURTHER RESOLVED THAT, based upon the extraordinary measures that the City of Loyalton has undertaken as a result of the COVID-19 pandemic, the City of Loyalton City is requesting a California Office of Emergency Services concurrence, a California Gubernatorial Concurrence, and a Presidential Concurrence that together or independently, affords access to and assistance to the California Disaster Assistance Act, the Federal Stafford Act, and any other Federal or State sources of financial aid, resources, and services.

BE IT FURTHER RESOLVED THAT, pursuant to Section 8630 of the California Emergency Services Act the City Council shall review the need for continuing the local emergency at least once every sixty (60) days until it terminates the local emergency and shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

PASSED AND ADOPTED this 24th day of March 2020, by City Council of the City of Loyalton at a special meeting duly called and held within the City by the following roll call vote:

AYES:

NOES:

ABSENT:

{00875035.DOC 1 }

_____, Mayor
City of Loyalton

ATTEST: Kathy LeBlanc
Deputy City Clerk

Discontinuation of Water Service for Nonpayment Policy

I. Purpose

The City of Loyaltan ("City") will apply the following Discontinuation of Water Service for Nonpayment Policy ("Policy"). Discontinuance of water service for nonpayment is considered the final phase of the collection procedure and will be instituted only after sufficient notification, and when all other reasonable alternatives have been deployed.

II. Scope

This Policy applies to all City residential water service customers, hereafter referred to as the "customer" or "customers". To the extent this Policy conflicts with any other rules, regulations, or policies of the City, this Policy will control.

III. General Provisions

A. All customers are provided a monthly bill for water service and usage. These monthly bills on the 25th of the month.

B. The City will attempt to contact the customer and provide notice of discontinuation of water service as provided in this Policy. It is the customer's responsibility to provide the City with accurate, current contact information. The City is not responsible for the customer not receiving the notices due to inaccurate and/or outdated customer contact information.

C. The City will disconnect water service for charges that have become delinquent for a period of no less than sixty (60) days, unless the service discontinuation is otherwise preempted as further described in this Policy. Reconnection fees will be applied to the account of any water service disconnected for nonpayment of delinquent charges. The City will leave notice of disconnection with information on how to restore water service.

1. Prior to the potential discontinuation of service date the City will send a payment delinquency notice (late notice) advising the customer of the need to pay in order to preclude service termination and further advising of other options available to the customer. The payment delinquency notices will be sent no sooner than 10 days after the bill distribution date and no less than 7 days prior to the potential discontinuation of services date.

2. Where a landlord-tenant relationship exists (where the billing address is different than the service address), the payment delinquency notice will also be sent to "Occupant" at the service address. The payment delinquency notice to the "Occupant" (tenant in the landlord-tenant relationship) will apprise the Occupant of the Occupant's right to become the customer of record. Baring intervention (e.g.

payment of the delinquency) to preclude such by the landlord, the tenant will be informed of the right to become the customer to whom the future services will be billed without the Occupant being required to pay the amount due on the delinquent account.

3. If the bill remains unpaid or is otherwise unresolved via alternative payment options, transition in the customer of record (landlord-tenant), or appeal, the City will send a shut off notice no less than 48-hour prior to discontinuation of service.

C. Customers whose water service has been discontinued may contact the City by telephone at (530) 993-6750 or in person regarding restoration of service. Restoration will be subject to payment of the delinquent charges, reconnection fees and established security deposit if required by the City. Water service reconnections requested and performed after normal business hours are subject to an additional fee.

IV. Notices

A. Written Notices to Customer

The City will provide notices as described above. The notices will be in English and in the languages listed in Section 1632 of the Civil Code for receiving a translated copy of the notice and any language spoken by ten percent (10%) or more of the City's customers.

- 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 amortization, reduction, or other alternative payment arrangement;
- vi. the procedure for the customer to obtain information on financial assistance, if applicable; and
- vii. the telephone number where the customer may request a payment arrangement or receive additional information from the City.

B. Posting of Notice to Occupants at Service Address

The City will make a reasonable, good faith effort to contact an adult person living at the service address by hand delivery a shut off notice and placing in a conspicuous place at the service address

C. Bill Amortization

The City will consider a request to amortize the bill over a reasonable period of time, not to exceed twelve (12) months. The amortization schedule and amounts due will be set forth in writing and provided to the customer. During the amortization period, the customer must remain current on all water service charges in subsequent billing periods. The City may terminate water service if the customer fails to pay an amortized amount due by the schedule date and the original amount due is delinquent by at least sixty (60) days. 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.

D. Contact

Customers are encouraged to contact the City for further details regarding this Policy or payment options during business hours at (530) 993-6750. Customers may also visit the City in person Monday thru Friday 8:00 a.m. to 4:00 p.m., closed from 12:00 to 1:00 for lunch. Except on Holidays.

V. When Service Will Not Be Discontinued

A. General

The City will not discontinue residential 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. In addition, the City will not discontinue residential water service for nonpayment during the City's investigation of a customer dispute or complaint; during an appeal to the City Council; during a City-approved extension, amortization, alternative payment schedule, or reduction, if the customer remains in compliance with the payment arrangement; or as may be required by local, state, or federal law.

B. Special Circumstances with Amortization Agreement

The City will not discontinue water service if all of the following are met:

- i. 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;

ii. 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, Medi-Cal, 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;

iii. The customer is willing to enter into an alternative payment arrangement, including an extension, amortization, or alternative payment schedule, with respect to the delinquent charges; and

iv. The customer is not currently in an Amortization Agreement with the City.

For any customer who meets all of the above qualifications, the City will offer the customer one of the following options, to be selected by the City in its discretion: (1) an extension of the payment period; or (2) an alternative payment schedule or amortization of the unpaid balance. The City's General Manager or designee will select terms and conditions for the amortization.

The City will review the request for amortization within seven (7) days and: (1) notify the customer of the amortization terms selected by the City and request the customer's signed assent to participate in the amortization; (2) request additional information from the customer; or (3) notify the customer that they do not meet the qualifications.

Discontinuation of Water Service for Nonpayment Policy

The City may discontinue water service if a customer who has been granted an amortization under this section fails to do any of the following for sixty (60) days or more: (a) to pay any amortized amount due under the amortization schedule; or (b) to pay his or her current charges for water 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.

For a residential customer who demonstrates to an urban and community water system household income below 200 percent of the federal poverty line, the City shall do both of the following:

- (1) The service fee for reconnection of service during normal operating hours is set at fifty dollars (\$100), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021. The service fee for reconnection of residential service during nonoperational hours, is set at one hundred fifty dollars (\$150), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.
- (2) Waive interest charges on delinquent bills once every 12 months.

VI. Other Remedies

In addition to discontinuation of water service, the City may pursue any other remedies available in 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 will be entitled to the payment of all costs and expenses, including attorneys' fees and accumulated interest.

VI. Discontinuation of Water Service for Other Customer Violations

The City reserves the right to discontinue water service for any violations of City ordinances, rules, or regulations other than nonpayment.

VII. 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, will be due and payable as set forth therein.

VIII. Decisions by The Loyalton City Council or the Public Works Director.

Any decision with respect to this Policy may be made by the Loyalton City Council or the Public Works Director. The ruling may be appealed to the City Council.

A customer may initiate a complaint or request an investigation regarding the amount of a bill within fifteen (15) days of receiving a disputed bill. For purposes of requesting review of the amount of a bill, a bill shall be deemed received by a customer five (5) days after mailing. The customer may submit a written request to review the amount of the bill to the City, which shall provide a written determination to the customer provided the request is made within the fifteen (15) day complaint window

.IX. Translations

A. Policy

Translations of this Policy in the languages listed in Section 1632 of the Civil Code are available at the City office or website. Please visit our office or website for a translation of this Policy.

B. Notices

All written notices issued under this Policy will be available at the City office or website 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.