

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE RELATING TO
DISCONTINUATION OF WATER SERVICE FOR NONPAYMENT

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

WHEREAS, SB 998 requires urban water suppliers such as the City to have a written policy posted on the City's website on the discontinuation of residential water service (shutoff) and provide that policy in English, a minimum of five other specified languages, and any other language that is spoken by at least 10 percent of the people residing in the City's service area; and

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

WHEREAS, SB 998 requires the water provider to give notice in writing or by telephone at least seven business days before disconnection and include an offer to discuss alternative payment methods or deferred payments and information about available appeals and extensions; and

WHEREAS, SB 998 sets limits on reconnection charges if a customer demonstrates a household income below 200 percent of the Federal poverty line; and

WHEREAS, requirements set forth in SB 998 became effective February 1, 2020; and

WHEREAS, the City Council has adopted a "Discontinuation of Residential Service for Nonpayment" Policy, by resolution;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 35.5, "Right of city to shut off water for failure to pay for municipal services," is revised to read as follows:

"SEC. 35.5. Right of city to shut off water for failure to pay for municipal services.

Excluding persons receiving residential water service, if any person shall fail or refuse to pay the lawful charges, including both delinquent and current charges, for any municipal services, as defined in this code, within fifteen (15) days after the city mails written notice of delinquency, or if any person shall violate any of the provisions of this chapter relating to the use of water by such person, the water services to the premises of such person shall be shut off. Persons receiving residential water service and failing or refusing to pay the lawful charges are subject to the City's "Discontinuation of Residential Water Service for Nonpayment Policy," as adopted by the City Council by resolution."

Section 2. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 4. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 5. This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly).
