

ORDINANCE NO. 2903

AN ORDINANCE OF THE CITY OF REDLANDS AMENDING CHAPTERS 13.04, 13.12 AND 13.64 OF THE REDLANDS MUNICIPAL CODE RELATING TO REGULATIONS FOR WATER CHARGES, DUE DATES, REFUNDS AND ADJUSTMENTS, PREPAYMENT REQUIREMENTS; AND BILLING AND DEPOSIT PROCESSES FOR SOLID WASTE SERVICES

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS FOLLOWS:

Section 1. The definition of "Board" in Section 13.04.010 of the Redlands Municipal Code is hereby amended to read as follows:

"BOARD: The Assistant City Manager and two (2) City Manager appointed City department directors, exclusive of the Finance and Municipal Utilities and Engineering Departments."

Section 2. Section 13.12.020 of the Redlands Municipal Code, titled "Due Date," is hereby amended to read as follows:

"13.12.020: DUE DATE:

- A. The city may use a unified billing system for city provided services. The charges for water, wastewater, and refuse service, or any other city provided services, may be billed on one bill and collected as one item. Failure to pay the amount due in full for any of the services may result in the discontinuation of water services.
- B. All bills and charges for service shall be due and payable upon presentation and shall become delinquent twenty six (26) days thereafter. If the bill is not paid on, or prior to, said due date, the billing shall be considered delinquent and a late charge shall be levied upon the unpaid balance as follows:
 1. For any account with an unpaid balance, a onetime charge of ten percent (10%) of the unpaid balance per service shall be assessed.
 2. This charge shall be due and payable immediately upon accrual.
 3. A customer who has an "A" rated payment record, upon request from such customer, may have the customer's late charge waived by city staff. Customers obtain an "A" rated payment record by paying all charges for water, wastewater, and refuse service, or any other city provided services on, or prior to, said due date since the establishment of service, or for a continuous period of at least twelve (12) months.
 4. In lieu of imposing a late charge upon a customer's delinquent water service billings, the City may offer to any customer of the city's water service who has a delinquent water service billing the option to participate in the city's automatic payment plan rather than be responsible for the payment of late charges pursuant to subsection 1, above. Such participation, if agreed to by the water service customer, shall be for a period of one (1) year. In the event the customer terminates his or her participation in

the automatic payment plan during such one (1) year period, the customer shall immediately become liable for the late charges and penalties that would otherwise have been imposed on the customer's delinquent water service account.

- C. Service may be discontinued upon written notice required by law if payment of all charges is not made prior to the date such service becomes delinquent, to the extent authorized by law.
- D. If any owner or agent pays for water service on more than one property or unit, service may be discontinued on all properties for failure to pay on any one property. Procedures and charges for restoration of service are set forth by resolution and section 13.12.050 of this chapter.
- E. Failure to receive a bill shall not relieve the customer of liability. Any amount due shall be deemed a debt to the city, and any person, firm or corporation failing, neglecting, or refusing to pay said indebtedness shall be liable in a civil action brought by the city in any court of competent jurisdiction for the amount thereof.
- F. In addition to any other remedies it may have for the collection of delinquent accounts, the city may cause notice of a hearing on delinquent accounts in accordance with Government Code sections 25831 and 38790.1. Such notice shall be mailed to property owners listed as delinquent accounts not less than ten (10) days prior to the date of the hearing. At the hearing, the city council shall hear any objections or protests of such property owners. The city council may make such revisions, corrections or deletions to the report of delinquent accounts as it deems just, after which, by resolution, the report shall be confirmed. The delinquent charges set forth in the delinquent account report may be placed as a lien on such properties for the amount of such delinquent charges plus legal fees and administration costs. A certified copy of the confirmed report shall be filed with the city clerk for the current tax roll. The lien created attaches upon recordation, in the office of the county recorder, of a certified copy of the resolution of confirmation. All laws applicable to the levy, collection and enforcement of city ad valorem property taxes shall be applicable to such liens."

Section 3. Section 13.12.025 of the Redlands Municipal Code, titled "Alternative Payment Plan," is hereby added to read as follows:

"13.12.025: ALTERNATIVE PAYMENT PLAN:

- A. The city shall offer an alternative payment plan to a water service customer under certain circumstances and under terms and conditions set by resolution of the City Council. A customer shall be eligible for an alternative payment plan if all three of the following circumstances are satisfied:
 - 1. The customer, or tenant of the customer, submits to the City the certification of a primary care provider, as that term is defined in section 14088(A)(1)(b) of the

Welfare and Institutions Code, that discontinuation of residential 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 water service is provided.

2. The customer demonstrates that he or she is financially unable to pay for residential water service within the city's normal billing cycle.

The customer is willing to enter into an alternative payment schedule with respect to all delinquent charges.

3. The customer must comply with the payment plan and remain current as charges accrue in each subsequent billing period. The customer may not request further payment plans for any subsequent unpaid charges while paying delinquent charges pursuant to a payment plan. Where the customer fails to comply with the terms of the payment plan for sixty (60) days or more, meaning that no payment is made toward the unpaid delinquent balance on his or her account, the city may discontinue water service per section 13.12.020 C, to the extent authorized by law.

Section 4. Section 13.12.060 of the Redlands Municipal Code, titled "Refunds and Adjustments," is hereby amended to read as follows:

"13.12.060: REFUNDS AND ADJUSTMENTS

This section shall apply to sewer and water billings. If a customer is entitled to a refund for any reason, such as overpayment of a closing bill or other just cause, a demand shall be made by the customer for a refund of such overpayment, and subject to verification by the city, a city warrant shall be issued to the customer in the amount of said overcharge. In the event the overpayment was made on a bill which is not a closing bill, the amount overpaid shall be credited to the customer's account.

- A. Undercharge: In the case of a discovered sewer or water undercharge, when the undercharge is the result of a city error or omission, there shall be no back charge adjustment for services with meters smaller than or equal to one inch (1") in size. Proper billing shall begin with the first cycle billing after the discovered error and the customer shall be notified in writing of the charge and the reason for the charge. For services with meters which are greater than one inch (1") in size, discovered sewer or water undercharges shall be referred to the director of public works for determination of back charges due.
- B. Overcharge: In the case of a detected overcharge, the overcharge shall be adjusted back for a period of up to four (4) years. The customer shall be notified of the charge and the reason for the charge. No interest will be paid on the adjustment."

Section 5. Section 13.12.070 of the Redlands Municipal Code, titled "Disputed Bills," is hereby amended to read as follows:

"13.12.070: DISPUTED BILLS:

A. In the event of a complaint by a customer that his or her water bill is excessive, a reread shall be made on the meter and a check shall be made to determine in particular if there are leaks in the meter. Should no leak in such meter be found, then, upon request of the customer, the meter shall be removed and be subject to a test upon it as set forth in detail in section 13.16.030 of this title. In the event the meter tests within the approved limitations, and the customer continues to question the water bill, a personal investigation of said premises served by the meter shall be made by the water superintendent or his appointed representative. Should such investigation find no reason to adjust said bill, the customer may make application (including payment of the application fee established by resolution of the City Council) to the Board for a final and binding, non-appealable ruling.”

B. In the event a customer disputes his or her water bill for any other reason than such bill being excessive for disputed usage, the customer may make application (including payment of the application fee established by resolution of the City Council) to the Board for a final and binding, non-appealable ruling.

Section 6. Section 13.12.080 of the Redlands Municipal Code, titled “Prepayment,” is hereby amended to read as follows:

“13.12.080: PREPAYMENT:

- A. Prepayment Deposit Required: The city shall require a prepayment from all customers for municipal utility service who have not established credit with the city by having a satisfactory payment record for a one year period. A "satisfactory payment record" means that all payments have been made in full to the city on or before the original due date. The prepayment amount required shall be three (3) times the cost of the estimated monthly service to the customer, or seventy dollars (\$70.00), whichever is greater. The prepayment amount shall be applied as a credit to the customer's account at the end of one year, provided the customer has maintained a payment record for water service satisfactory to the city. If the customer's payment record is not satisfactory at the end of the one year period, the prepayment shall be held for a second year, or as long as necessary, to establish a satisfactory twelve (12) month payment record. Any prepayment amount being held will be applied against the customer's closing bill if the customer orders the service discontinued, and any credit balance refunded to the customer. If requested by the customer, the prepayment may be made in two (2) equal payments, one at the establishment of service, and the second within thirty (30) days of the establishment of service.
- B. Deposit Waiver: The requirement for establishing and maintaining credit may not be waived or reduced except upon a finding of good credit by the Municipal Utilities and Engineering Director and the Management Services / Finance Director. In such cases where the prepayment deposit waiver is granted, the customer must authorize auto deduction of bill amounts on a monthly basis from a bank account.

- C. Findings of good credit may be established by the new customer if he or she presents a valid letter of reference from another utility for services received in the previous twenty-four (24) months demonstrating no disconnections for non-payment, no late payments and no outstanding balances during the last 12 consecutive billing cycles.”

Section 7. Section 13.64.000 of the Redlands Municipal Code, titled “Failure to Pay Charges,” is hereby amended to read as follows:

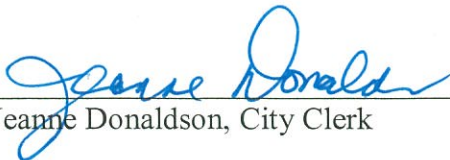
“13.64.060: FAILURE TO PAY CHARGES:

- A. Solid waste charges may be included in the city's municipal services statement. Failure to pay any part of the municipal services statement, including the solid waste charge, shall result in the delinquency of such statement, actionable as a civil debt to the city.
- B. In addition to any other remedies it may have for the collection of delinquent accounts, the city may cause notice of a hearing on delinquent accounts in accordance with Government Code sections 25830.1 and 38790.1. Such notice shall be mailed to property owners listed as delinquent accounts not less than ten (10) days prior to the date of the hearing. At the hearing, the city council shall hear any objections or protests of such property owners. The city council may make such revisions, corrections or deletions to the report of delinquent accounts as it deems just, after which, by resolution, the report shall be confirmed. The delinquent charges set forth in the delinquent account report may be placed as a lien on such properties for the amount of such delinquent charges plus legal fees and administration costs. A certified copy of the confirmed report shall be filed with the city clerk, for the current tax roll. The lien created attaches upon recordation, in the office of the county recorder, of a certified copy of the resolution of confirmation. All laws applicable to the levy, collection and enforcement of city ad valorem property taxes shall be applicable to such liens.
- C. In the case of a discovered solid waste undercharge, the under charge shall be adjusted back for a period of up to four (4) years for services rendered. Proper billing shall begin with the first cycle billing after the discovered error and the customer shall be notified in writing of the under charge and the reason for the adjustment.”

Section 8. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and shall cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation within the City, and thereafter, this ordinance shall take effect as provided by law.


Paul W. Foster, Mayor

ATTEST:


Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk, City of Redlands, hereby certify that the foregoing Ordinance was duly adopted by the City Council at the regular meeting thereof, held on the 17th day of December, 2019, by the following vote:

AYES: Councilmembers Barich, Tejeda, Momberger, Davis; Mayor Foster
NOES: None
ABSTAIN: None
ABSENT: None



Jeanne Donaldson, City Clerk