

# Staff Report

**TO:** Board of Directors

**FROM:** Chip Close, Water Operations Manager  
Aurora Tipton, Customer Service Administrator

**DATE:** May 11, 2022

**SUBJECT: Elimination of Section 6.12, Term Payments from NID Water Service Regulations (Consent)**

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## ***WATER OPERATIONS***

### **RECOMMENDATION:**

Approve the elimination of Section 6.12, Term Payments, of the Districts Water Service Regulations as recommended at the NID Board workshop on April 19, 2022.

### **BACKGROUND:**

In 1992, the District began offering Term Payment Agreements to customers for financing of fees for treated water connections. The intent was to incentivize treated water connections and make it more attainable. The program began with a modest cap of \$3,000 and a payback period of up to 10 years. Over the years the program limits have expanded. Currently the program allows for financing treated water connections fees and culvert installation costs with a maximum financeable amount of \$20,000.

While the program assisted many, it has also come with some significant challenges as listed below:

### **Credit Check**

Currently the District does not require a credit check or verification of income to be eligible for the Term Payment Program. Originally, the District did require a credit check as a qualifying measure for the loan process. However, overtime this became a challenge as the District was collecting sensitive financial information yet did not have adequate security or privacy measures to protect personal information. Additionally, if customers defaulted on the loan, the District had no way of reporting the delinquency to the credit agency. As such, the District elected to stop using credit reports as qualifying threshold. Any long-term loan or payment program should be contingent on meeting basic financial conditions that demonstrate the ability to re-pay the loan Not doing so places the District at greater risk of not having the loaned monies paid back

**Billing Software**

The District’s billing program is antiquated and is not able to track and bill loans; therefore, customer loans are manually calculated and monitored in a program outside of the billing software. Preparing and filing term payment agreements, setting up and monitoring loan tracking, and annual reconciliation consumes a large amount of staff time. Additionally, due to external loan tracking, customers are not able to see the loan balance on their statement, and the District does not provide a 1099INT at the end of the year for tax purposes.

**Potential Gift of Public Funds**

Term payment agreements are offered for limited services including treated water connection fees and select culvert replacement projects. The practice of loaning general funds to a limited group of customers as opposed to all, could be construed as a potential gift of public funds.

**Reduction in Investment Revenue**

Term Payment agreements include an interest rate of 1.16% Although the rate is adjusted annually, the current practice of utilization of the LAIF rate provides for a low rate of return on these loans. The District would realize higher returns by investing these funds as part of the District’s normal investment portfolio.

**Utilization of Loans by Contractors & Developers**

Given the District’s low interest rate and minimal qualifications, small contractors and investors are using District financing as a bridge loan for their construction projects. Term Payment Loans allows for these projects to be completed with little to no out of pocket water meter installation expense.

**Reduction of Available General Funds**

Continued utilization and expansion of term payment agreements will consume larger portions of the Water Fund, thus limiting future repair and replacement projects, and potentially affect future water rates.

The challenges listed above were discussed at the April 19, 2022, Board Workshop. The consensus from the Board was to eliminate the Term Payment Loans program. Staff has provided a redlined version of section 6 of the Water Service Regulations showing the elimination of section 6.12. Staff recommends customers currently utilizing the program continue until payoff has been reached.

Customer’s who are experiencing difficulties paying their water bill will continue to have access to short term payment plans as detailed in Section 6.01.01 of the District’s Water Service Regulations and as required by California law.

**BUDGETARY IMPACT:**

As of the date of this staff report, there were 37 term payment loans with a remaining balance of \$570,000. Payback of the remaining balances will occur at a variable rate over the next 10 years.

**Term Payment Loans**

Number of Loans	Approximate Remaining Balance
37	\$570,000

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Attachments (1): Rules & Regulations Section 6

6SECTION 6

SECTION 6

RENDERING AND PAYMENT OF BILLS

6.01 TERMS OF PAYMENT

By these Rules and Regulations, the District intends to comply with the requirements imposed by Public Utility Code §16481.1 and Health and Safety Code § 116916. The procedures outlined in those statutes, as may be amended from time to time, take precedence over these Rules and Regulations.

**6.01.01 Treated Water and Annual Raw Water**

(a) Policy on Payment of Bills and Service Discontinuation. Sections 6.01.01, 6.03, 6.07 and 6.09 of this policy shall constitute the District's policy on discontinuation of water service in accordance with California law. These sections of the policy and the delinquency notice shall be available in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by at least ten percent (10%) of the people residing in the District's service area. The policy shall be posted on the District's website. The District shall annually report the previous year's number of discontinuations of residential service for inability to pay on its internet website and report this information, if required, to the State Water Resources Control Board.

(b) Payment of Bills. All water charges are due and payable on issuance of the statement and are delinquent ten (10) days thereafter. If not paid:

**Twenty-five (25) days from issuance** - A delinquency penalty charge at the rate of 1 ½ percent, will be applied to each account's unpaid balance and monthly thereafter until paid.

**Forty-five (45) days from issuance** - A delinquency notice will be mailed. Delinquency notices will be mailed to the occupant and to the landowner. The delinquency notice issued in accordance with this section shall include the following: 1) the customer's name and address, 2) the amount(s) delinquent, 3) the date by which payment or arrangement for payment is required in order to avoid discontinuation of service, 4) a description of

the process to apply for an extension of time to pay the delinquent charges, 5) a description of the procedure to petition for bill review and appeal, and 6) a description of the procedure by which the customer may request a deferred, reduced or alternative payment schedule, including an amortization of the delinquent service charges.

**Sixty (60) days from issuance** - A final turn-off notice shall be hand delivered to the service address and posted in a prominent and conspicuous location. A service charge as shown in Schedule 6-A shall be added to the account and included in the delinquent balance.

**Seventy (70) days from issuance** - Water service may be discontinued if the delinquent account balance has not been paid prior to the scheduled turn-off date. A charge, as shown in Schedule 7-A shall be made for turn-on. Once a service has been discontinued, the entire account balance must be paid prior to service being restored.

Customers can contact District customer service staff by calling 530-273-6185, to discuss options for averting discontinuation of service for nonpayment, including possible deferral and amortization.

Written request delivered to District customer service staff is the sole procedure by which residential customers may request a reduction in service charges. Reduction of service charges will be granted not more than once annually.

Customers may make advance payments to maintain water service during their absence. The billing will reflect the current credit balance until expended. Monies placed on deposit will not bear interest.

(c) Request for deferral or amortization for eligible customers. Written request, with supporting documentation, delivered to District customer service staff is the sole procedure by which residential customers may request deferred or alternative payment schedules, including amortization of service charges. Eligible customers are those that make written request and provide (1) certification of a primary care provider that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of a resident of the customer's service address; and (2) the customer demonstrates that they are financially unable to pay for water

service. A customer will be deemed financially unable to pay for service within the normal billing cycle if 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 the customer provides proof that the household's annual income is less than 200 percent of the federal poverty level. Customers satisfying all of the foregoing criteria will be permitted to defer payment of delinquent charges by entering into an amortization agreement to allow the customer to pay the delinquent charges amortized over a three (3) month period, in addition to current charges that accrue for service each month. The amortization period in the agreement may be longer than three (3) months when District staff deems necessary, but shall not exceed twelve (12) months. If the customer fails to pay under the agreement for at least sixty (60) days, service may be discontinued with at least five (5) business days' notice posted at a prominent and conspicuous location at the property. Requests for deferral and amortization of bills are available to residential customers only and should be made prior to discontinuation of service by contacting the District customer service staff.

Upon the restoration of service, reconnection fees for customers that are deemed unable to pay in the normal billing cycle shall not exceed \$50 for reconnection ("turn-on") during normal operating hours, and shall not exceed \$150 for reconnection during nonoperational hours ("after hours). Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

(d) Termination of Water Service to Residential Occupants Served through a Master Meter. The District serves water to residential occupants through a master meter and individual meters in multi-unit residential structures and mobile home parks, where the owner, manager, or operator is listed as the customer of record. Where the owner, manager or operator of a multi-unit residential structure or mobile home park or similar facility is listed by the District as the customer of record and the account is in arrears, every good faith effort will be made to inform the residential occupants by means of a written notice by posting copies of the notice in each common area and at each point of access to the structure or mobile home park or similar such area.

eff. 6/93; rev. 6/11/03, rev. 8/10/05, rev. 09/12/07; rev. 02/27/19; rev 01/22/2020

**6.01.02 Seasonal Irrigation Service**

(a) Inside District Applicants. One-third of the total charges are due by April 1 or prior to receiving water. If there is a new owner, payment is due with the application.

eff. 03/11/98

One-third of the total charges due June 15, and if not paid by July 15, a notice of termination of service shall be mailed and a ten percent late payment penalty shall be added. If payment is not received by July 22, service may be turned off.

One-third of the total charges due August 15, and if not paid by September 15, a notice of termination of service shall be mailed and a ten percent late payment penalty shall be added. If payment is not received by September 22, service may be turned off.

A charge, as shown on Schedule 7-A, shall be made for turn-on.

(b) Outside District Applicants. One-half of the total charges are due by April 1 or prior to receiving water. If there is a new owner, payment is due with application.

One-half of the total charges due June 15, and if not paid by July 15, a notice of termination of service shall be mailed and a ten percent late payment penalty shall be added. If payment is not received by July 15, service may be turned off.

A charge, as shown on Schedule 7-A, shall be made for turn-on

rev 01/22/2020

(c) Delinquencies. Applicants who are delinquent in the payment of water charges shall pay charges prior to District's acceptance of application for subsequent seasonal irrigation service or make satisfactory agreement with District for payment of same. An additional ten percent late payment penalty shall be added to all seasonal irrigation water accounts remaining unpaid on February 15.

eff. 6/11/03

**6.01.03 Standby**

All standby charges are due and payable on issuance of the statement. Standby charges are delinquent four months after issuance and may be transferred to the County Tax Rolls for collection.

eff. 6/11/03

**6.02 MULTIPLE ACCOUNTS**

Combining of two or more seasonal irrigation services for reduced rate purposes will be permitted when any of the following conditions are met:

(a) Applicant owns a single parcel of property and requires more than one seasonal irrigation service from different District facilities in order to serve this one parcel.

(b) Applicant owns more than one parcel or property which is served from the same canal system and operated as a single farming unit; and seasonal irrigation service is purchased for each parcel under separate applications. Property must be owned and listed on the county assessor's roll under the applicant's name.

eff. 5/27/87

**6.03 BILLING TO THE AGENT/RENTER**

Water service accounts will only be established in the name of the property owner. Direct billing to the agent/renter can be made upon receipt of a written authorization from the property owner that the agent/renter has been designated as the agent of the property owner. Once direct billing has been authorized, the renter/agent shall not be required to pay any amount that may be due on the delinquent account for a period prior to tenancy. In order for the amount due on delinquent accounts to be waived for the renter/agent, the renter/agent must provide proof that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Nevertheless, the landowner is ultimately responsible for all payment delinquencies. If the owner desires a duplicate of the water statement which is sent to the agent/renter, a handling charge as shown in Schedule 6-A, will be applied.

rev. 01/22/2020



**6.04 NON-PAYMENT OF ACCOUNTS**

Charges for water and other services, including penalties and supplemental charges, which are delinquent at the time specified for the delivery of outstanding charges to the county tax collector, may be added to and become a part of the annual assessment levied to the land upon which the service was rendered.

The District may refuse service to any land if outstanding charges for services already rendered such land are delinquent. (Section 22282.1 of the California Water Code)

The District may, under the provisions of Section 25806 of the California Water Code, record a lien on any or all lands owned or subsequently acquired by the person liable for such charges.

**6.05 SECURITY DEPOSITS**

The District may charge a security deposit, as shown in Schedule 6-A, for all outside District customers and for all inside District commercial accounts.

Deposits from commercial accounts shall be held for a period of one year. At the end of that period, the deposit may be applied to the account or refunded provided the account has been paid on a timely basis. Should a turn-off order be issued due to non-payment, a deposit equal to twice the highest bimonthly bill shall be required before the service can be turned on. Deposits from outside District customers, providing the account has been paid on a timely basis, are held for a period of one year. At the end of that period, the deposit may be applied to the water account and the balance, if any, shall be refunded.

eff. 8/12/87; rev. 6/11/03, rev. 09/12/07, rev. 02/24/16

**6.06 RETURNED CHECKS**

Checks returned by the bank unpaid shall be returned to the account. A return check fee, as shown in Schedule 6-A, shall be added to the water account and any other bank charges that may be assessed due to the returned item.

In the case where a delinquent bill is paid by check after the final turn-off notice has been delivered, and the check is returned unpaid by the bank, service may be immediately discontinued without further notice, provided that notice has been given in accordance with 6.01.01(b) of these Rules and Regulations. Prior to restoration of service, the account's entire balance and any bank charge for a returned check must be paid in cash or by credit card before service will be continued.

eff. 2/13/85; rev 01/22/20

## **6.07 DISCONTINUANCE OF SERVICE**

### **6.07.01 Non-payment of Bills**

Water service may be discontinued if a bill for services rendered has not been paid within the time prescribed by the District. Water service may only be discontinued for nonpayment of bills provided that notice has been given in accordance with Section 6.01.01(b) of these Rules and Regulations. Eligible customers facing discontinuation for nonpayment who are unable to pay during the normal billing cycle will be offered an opportunity to amortize their delinquent bill as provided in Section 6.01.01(c).

### **6.07.02 Noncompliance with the District's Regulations**

If a customer fails to comply with any of these Regulations, the District will notify the customer of such failure. If the customer fails to comply within a reasonable time, the District may discontinue service.

rev 01/22/2020

### **6.07.03 Customer Service Discontinuance Request**

If the customer gives the District a written request to disconnect the service, the District will notify the customer of the legal and financial impact of such request.

## **6.08 OUTSIDE DISTRICT CUSTOMER CHARGES**

Any installation charges, or monthly charges listed as schedules in these Regulations, will be increased by twenty-five percent for outside District customers.

rev. 04/25/06, rev. 09/12/07

**6.09****CONTESTING OR APPEALING WATER CHARGES**

If a customer believes their bill, a charge thereon, or a determination of delinquency is incorrect, the customer should immediately contact District customer service staff by phone or in person. If the customer still believes the bill is incorrect after contacting District staff by phone or in person, they may promptly appeal a bill in writing to the District office no later than fifteen (15) business days of issuance of a disputed courtesy notice. Customer appeal rights will lapse and be summarily rejected if not received by the District, in writing, within fifteen (15) business days of the issuance of the courtesy notice. Timely written appeals must state the reason(s) why the customer believes the bill is incorrect and may be mailed, emailed or delivered in person. The District may request additional information from the appealing customer and/or may refer the dispute to the Board of Directors to conduct a hearing, if such process will help in rendering a decision on the customer's appeal. The District shall render a decision on written appeals in a timely manner, and the decision will be considered final with respect to all charges then existing on the disputed bill. Service shall not be discontinued while a written appeal is pending providing the customer has paid any portion of the bill that is not under dispute/review (i.e. the monthly fixed charge).

Written appeal to the District is the sole procedure by which a customer may request reduced water charges. A reduction in water charges will be granted only upon a finding that there was an error in computation of the customer's water charges.

rev. 01/22/2020, 3/23/2022

**6.10****TIME AND MATERIAL CHARGES**

The term time and material charges, as used in these Regulations, shall indicate a determination of costs based on the actual amount of labor, equipment and materials utilized, including applicable overhead factors. A deposit will be required based on the estimated costs and a final billing will be provided to the applicant or customer after completion. If final costs are in excess of the deposit, additional payment will be due within 30 days of receipt of final billing. If final costs are less than the deposit, the difference will be refunded.

**6.11****UNSPECIFIED CHARGES**

When these Regulations require that improvements or modifications be made by District at customer's sole cost and expense, the District may estimate these costs and make final charges based on the estimate, or it may utilize an actual time and material basis, as provided in Section 6.09, at the sole discretion of the District.

*eff. 7/13/94; rev. 6/11/03; rev. 4/14/04; 3/25/2009; 6/8/2016, 5/23/2018, 5/25/2022*