



BEAR VALLEY COMMUNITY SERVICES DISTRICT

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ADMINISTRATION COMMITTEE AGENDA February 19, 2020 11:00 am

Chair: Jane Baron; Vice-Chair: Gregory Hahn
Staff: Bill Malinen, General Manager; Kristy McEwen, Secretary of the Board
Citizen Volunteers: Sharon Groen

1. Approval of Agenda

2. Public Comments on Non-Agenda Items

Members of the public may address the Committee on matters within its subject matter area not listed on this Agenda. The Committee cannot take action on any item that is not on the Agenda. The Committee or staff may briefly respond to statements made or questions posed, or may ask questions for clarification. These items may also be referred to staff or scheduled on a future Agenda. There will be a separate opportunity for public comment for each item on the Agenda.

3. Information & Discussion Items:

- A. Water Service Discontinuation Policy Review & Recommendation
- B. Board of Directors Ethics Policy Review & Recommendation

4. Committee Member Comments

5. Staff Comments

6. Adjournment: The next scheduled meeting of the Administration Committee is April 15, 2020.

Signed, February 14, 2020

Kristy McEwen, Secretary of the Board



BEAR VALLEY COMMUNITY SERVICES DISTRICT

DISCONTINUATION OF RESIDENTIAL WATER SERVICE FOR NONPAYMENT POLICY

1. Purpose

The Bear Valley Community Services District (District) recognizes all Californians have the right to safe, accessible, and affordable water as declared by California Water Code section 106.3. In the event that a water bill becomes delinquent, the District will apply the following Discontinuation of Residential 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 exhausted.

2. Scope

This Policy applies to all District residential water service users. To the extent this Policy conflicts with any other rules, regulations, or policies of the District, this Policy will control.

3. General Provisions

A. All District residential users will pay a monthly water service charge. Charges will become delinquent on the business day following the due date. All bills for water service are due and payable no less than 19 days after mailing by the District.

B. The District will attempt to contact the occupant of a property and provide notice of discontinuation of water service as provided in this Policy.

C. The District will disconnect water service for charges that have become delinquent for a period of no less than 60 days. At the time of disconnection, the District will leave notice of disconnection with information on how to restore water service.

D. Customers whose water service has been discontinued may contact the District by telephone or in person regarding restoration of service. Restoration will be subject to payment of the delinquent charges (including penalties), reconnection charge, and established residential deposit if required by the District. The District may also require a written request to restore service from the owner of the property. All payments must be made by cash, ~~or~~ certified funds or credit cards online. No personal checks will be accepted. Water service reconnections will be processed during ~~normal business~~ Water Department service hours only, Monday through Friday, from 8:00 a.m. to 3:00 p.m., except on District holidays.

4. Notices

A. Written Notice to Customer and Tenants.

The District will provide a mailed written notice of delinquent account and pending discontinuation of

service at least 10 days prior to the discontinuation of service to the customer of record, and where the listed customer is a landlord, a written notice will also be sent to the residential occupants addressed to "Occupants." The notice will contain:

1. The name and address of the customer whose account is delinquent.
2. The amount of the delinquency.
3. The date by which payment or arrangement for payment is required in order to avoid discontinuation of service.
4. The procedure by which the customer may initiate a review and appeal complaint or request an investigation concerning service or charges.
5. The procedure by which the customer may request deferred, reduced, or alternative payment schedule, including amortization of the unpaid charges.
6. The 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 an employee of the District who can provide additional information or institute arrangements for payment.
8. As applicable, the right of a tenant to become a customer without paying the past due amounts on the landlord's account.

B. Other Personal Notice and Posting at Service Address.

In addition to written notice, the District will make a reasonable attempt to contact an adult person at the premises of the customer by telephone or personal contact, at least 48 hours prior to any discontinuation of service. In such telephone call, District staff will offer to provide a copy of this Policy and will discuss options to avert discontinuation of residential service for nonpayment, including, but not limited to, alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance, and petition for bill review and appeal. If such telephone notice or personal contact cannot be accomplished, the District will post in a conspicuous location at the premises a notice of discontinuation of service and provide a copy of this Policy, at least 48 hours prior to discontinuation of service.

5. Customer Assistance

A. Bill Complaint or Review.

Any customer may initiate a complaint or request an investigation by the Administrative Services Director into the charges on their bill, any component of the bill or any service provided by the District within five days of receipt of the disputed bill. The District will not disconnect water service during an investigation of a timely complaint or dispute. The Administrative Services Director's review will include consideration of whether the customer may receive an amortization, alternative payment schedule, or payment reduction under this Policy.

If a customer considers the results of the investigation by the Administrative Services Director to be unfavorable, the customer has the right to appeal the Administrative Services Director's decision to the District's Board of Directors. The customer must file a written notice of appeal with the District Secretary within 10 business days of the District's mailing of its determination. The District Secretary will set the matter to be heard at an upcoming Board meeting and mail the customer written notice of the time and place of the hearing at least 10 days before the meeting. The decision of the Board is final.

B. Temporary Financial Hardship; Bill Amortization.

If a customer has an excessive bill due to a water leak and provides proof of repair or has a temporary and demonstrable financial hardship, the District will consider a request to amortize the bill over a reasonable period of time, not to exceed 12 months. For the purposes of this subsection (B), a “demonstrable financial hardship” requires a showing of severely reduced income supported by documentation such as bank statements, pay stubs, tax returns, unemployment insurance payments, or proof of other temporary financial assistance. The process for consideration of a financial hardship is set forth in Section 6(C) below. If amortization is approved by the District, in its sole discretion, 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 District may discontinue 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 60 days. The District will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the District.

C. Contact.

Customers are encouraged to contact the District for further details regarding this policy or customer assistance options during business hours at (661) 821-4428. Customers may also visit the District’s Customer Service desk in person Monday through Friday, from ~~7:30~~8:00 a.m. to 4:30 p.m., except on District holidays.

6. When Service Will Not Be Discontinued

A. In General. The District will not terminate residential service for nonpayment in any of the following situations:

1. During the pendency of an investigation by the District of a customer dispute or complaint, or an appeal of an adverse determination regarding such review.
2. When the customer has been granted an extension of the period for payment of a bill.
3. On any day or at any time that the District office is not open to the public.

B. Special Medical and Financial Circumstances. The District will also not terminate residential service for nonpayment if both of the following conditions are met:

1. The customer, or a tenant of the customer, submits a certification of a primary care provider, as that term is defined in Welfare and Institutions Code Section 14088(b)(1)(A), that to do so will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises; and
2. The customer is financially unable to pay for service within the District’s normal billing cycle by demonstrating that any member of the customer’s household is a current recipient of Cal WORKs, CalFresh, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or declares under penalty of perjury that the household’s annual income is less than 200 percent of the current federal poverty level guidelines issued by the federal Department of Health and Human Services.

C. Repayment Options for Qualified Customers.

1. The customer is responsible for demonstrating with adequate documentation that the qualifications under Section 5(B) and (6)(B) above, as applicable, have been met.

2. Upon receipt of documentation from the customer, the District will review the documentation and within seven days: (1) notify the customer that they met the qualifications and identify the terms selected by the District; (2) request additional information from the customer necessary to determine qualification; or (3) notify the customer that they do not meet the qualifications.

3. If the District requests additional information, the customer must provide that requested information within five days of receipt of the District's request. Within five days of its receipt of that additional information, the District will either notify the District in writing that the customer does not meet the applicable conditions under Section 5(B) or 6(B) above, or notify the customer in writing of the alternative payment arrangement, and terms thereof, under Section 6(C)(5) below.

4. Customers who fail to meet the qualifications described in Section 5(B) or 6(B) above, must pay the delinquent amount, including any penalties and other charges, owing to the District within the latter to occur of: (i) three business days after the date of notification from the District of the District's determination the customer failed to meet those conditions; or (ii) the date of the impending service discontinuation, as specified in the notice of delinquency.

5. If the conditions listed in Section 5(B) or (6)(B) above are met, the District will offer the customer, at its discretion and upon such terms and conditions as it may establish, one or more of the following options:

(a) Amortization of the unpaid balance for a reasonable period of time, not to exceed 12 months, unless a longer period is necessary to avoid undue hardship.

(b) An alternate payment schedule.

(c) A partial or full reduction in payment financed without additional charges to other ratepayers.

(d) Temporary deferral of payment.

D. Discontinuation of Service for Noncompliance with Repayment Terms. If a residential customer fails to comply with (1) an amortization agreement, (2) an alternative payment schedule, or (3) a deferral or reduction in payment plan for delinquent charges for 60 days or more, or while undertaking (1)-(3) above does not pay the current residential charges for 60 days or more, the District may terminate service no sooner than five business days after posting a final notice of intent to disconnect service in a prominent and conspicuous location at the premises. Such notice does not entitle the customer to further investigation or review regarding such delinquent amount by the District.

7. Procedures for Occupants or Tenants to Become Customers of the District

A. Scope.

This section only applies when a property owner, landlord, manager, or operator of a residential service address is listed as the customer of record and has been issued a notice of intent to discontinue water service due to nonpayment.

B. Agreement to District Terms and Conditions of Service.

The District will make service available to the actual residential occupants if the occupants agree to the terms and conditions of service and meet the requirements of the District's rules and regulations for water service.

C. Verification of Tenancy.

~~In order for the amount due on the delinquent account to be waived, a~~An occupant who becomes a customer must verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Civil Code Section 1962, at the discretion of the District.

8. Other Remedies

In addition to discontinuation of water service, the District 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 District, the District will be entitled to the payment of all costs and expenses, including attorneys' fees and accumulated interest.

9. Discontinuation of Water Service for Other Customer Violations.

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

10. Decisions by District Staff.

Any decision which may be taken by the District's Administrative Services Director under this Policy may also be taken by the General Manager or his or her designee.

11. Translations

A. Policy.

Translations of this policy in the languages listed in Civil Code section 1632 are available at the District office or website.

- Please visit our office or website for a translation of this policy.
- Visite nuestra oficina o sitio web para obtener una traducción de este política.
- 请访问我们的办公室或网站，了解本政策的翻译。
- Mangyaring bisitahin ang aming opisina o website para sa isang pagsasalin ng patakarang ito.
- Vui lòng truy cập văn phòng hoặc trang web của chúng tôi để dịch bản chính sách này.
- 이 정책에 대한 번역은 저희 사무실이나 웹 사이트를 방문하십시오.

B. Notices.

All written notices required under this Policy will be available at the District office or website in English, Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language spoken by ten percent (10%) or more people within the District's service area.



ETHICS POLICY OF THE BOARD OF DIRECTORS

A. Purpose

It is the policy of Bear Valley Community Services District to promote ethical behavior by members of the Board of Directors in the conduct of District business

The proper operation of the District requires that Board members remain objective and responsive to the needs of the public they serve, make decisions within the proper channels of governmental structure, and not use public office for personal gain. To further these objectives, certain ethical principles govern the conduct of each member of the Board of Directors.

This policy promotes awareness of ethics, integrity and fidelity as critical elements in Board members' conduct and in achievement of the District mission. It references relevant polices, practices, and procedures that provide the legal framework and operational guidelines for addressing ethical issues.

B. Responsibilities of Public Office

1. The primary responsibility of the Board of Directors is the formulation and evaluation of policy, and for establishing and monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.
2. BVCSD Board members are dedicated to the concepts of effective and democratic government by responsible elected officials. They:
 - Uphold the Constitution of the United States and the Constitution of the State of California, and carry out the laws of the nation, the state and the local government agencies. (*Government Code Section 1360; Article 20, Section 3 of the California Constitution.*)
 - Comply with applicable laws regulating their conduct, including open government, conflict of interest, and financial disclosure laws.
 - Receive two hours of training in ethics principles and ethics laws in accordance with Government Cod Sections 53234 through 53235.2.
3. Directors function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.
4. Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not create barriers to the implementation of said action.

C. Fair and Open Processes Involving the Public

Board members promote fair and open public processes. Board members, and persons elected but who have not yet assumed office as members of the Board, fully comply with California’s open meeting law for public agencies (the Brown Act).
(Government Code Sections 54950 and following; and 54952.1 and 54959.)

D. Fair and Equal Treatment

BVCSD Board members promote diversity and equality in personnel matters and in contracting, consistent with state and federal laws.

1. The needs of all District constituents should be the priority of the Board of Directors.
2. Board members will not grant any special consideration, treatment, or advantage to persons or groups beyond that available to every other person or group in similar circumstances.
3. Board members, in performance of their official duties and responsibilities, will not discriminate against or harass any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sex, sexual preference, medical condition or disability.
4. Board members will cooperate in achieving the equal opportunity objectives of BVCSD.

(See, e.g. Article 1, Section 31 of the California Constitution; Age Discrimination in Employment Act of 1967; Americans Disabilities Act of 1990; Fair Employment and Housing Act; Rehabilitation Act of 1973; Title VII of the Civil Rights Act of 1964; California Labor Code Section 1102.)

E. Proper Use and Safeguarding of BVCSD Property and Resources

BVSCD Board members exercise responsible financial management in the conduct of District business.

1. A Board member will not bribe or coerce a BVCSD employee to perform services for the personal benefit or profit of a Board member or employee.
2. Each Board member will protect and properly use any BVCSD asset within his or her control, including information recorded on paper or in electronic form.

(Article 16, Section 6 of the California Constitution; and Penal Code Section 424.)

F. Use of Confidential Information

1. Board members will safeguard confidential information.

2. Board members will not disclose information that legally qualifies as confidential to unauthorized persons without approval of the Board of Directors. This includes information that (1) has been received for, or during, a closed session Board meeting, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is not disclosable under the California Public Records Act.
3. In addition to any other penalty or remedy as provided by law, violations of this section may be used as a basis for disciplinary action or censure of a Board member by the Board.
 - The Board shall decide by a majority vote at a noticed meeting if a violation has occurred.
 - If the Board determines a violation has occurred, penalties and remedies include, but are not limited to, censure or exclusion from participation on that particular topic following a noticed hearing conducted by a majority of the Board.
 - Violations by a Board member shall constitute official misconduct which may require that Board members testimony before the Grand Jury and if convicted under Section 3060 of the Government Code, would be cause for removal from office.
4. A Board member may make a confidential inquiry or compliant to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to district attorney or grand jury necessary to establish the alleged illegality of a District action.

(California Government Code Section 54963; Government Code Section 1098.)

G. Conflict of Interest

Board members must avoid both actual conflicts of interest and the appearance of conflicts of interest with the District.

1. A Board member will not have a financial interest in a contract with the District, nor be purchaser at a sale by the District or a vendor at a purchase made by the District, unless his or her participation is legally authorized.
2. A Board member will not participate in the discussion, deliberation or vote on a matter before the Board, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter under California law.
3. A Board member will not accept gifts or honoraria that exceed the limitations specified in California law. Board member will report all gifts, honoraria campaign contributions, income and financial information as required under the District's Conflict of Interest Code and the provisions of the Fair Political Practices Act and Regulations.

4. A Board member will not recommend the employment of their dependent children to the District or to any person known by the Board member to be bidding for or negotiating a contract with the District.

(Government Code sections 87100 and following; California Government Code Sections 1090 and following; 81000 and following; and 87105; and Penal Code 68 and 70.)

H. Soliciting Political Contributions

1. Board member will not solicit political funds or contributions of in-kind services at BVCS D facilities.
2. A Board member will not accept, solicit, or direct a political contribution or in-kind services from District officers, employees, consultants, contractors, or vendors.
3. A Board member will not use BVCS D's seal, logo, stationery, or other indicia of BVCS D's identity or facsimile thereof in any solicitation for political contributions.

(California Government Code Section 3205 and California Code of Regulations, Title 2, Section 18901.)

I. Incompatible Offices

Except as expressly permitted by law, Board members appointed or elected to another public office, the duties of which may legally require action contradictory or inconsistent with the interests of the first entity, will resign from the former Board.

(See, generally, 73 CA Op. Atty. Gen. 357 (1990). See also Government Code Section 53227, under which a special district employee may not be sworn into office as an elected or appointed member of the same special district unless he or she resigns as an employee.)

J. Board Member-General Manager Relationship

The Board sets District policy and the General Manager is responsible for execution of policy. Directors should develop a working relationship with the General Manager wherein current issues, concerns, and District projects can be discussed comfortably and openly.

1. The Board provides policy direction and instructions to the General Manager on matters within the authority of the Board by majority vote of the Board during duly convened Board and Board committee meetings.
2. Members of the Board deal with matters within the authority of the General Manager through the General Manager, except as it pertains to the functions of the General Counsel.

3. In handling complaints from residents and property owners of the District, said complaints should be referred directly to the General Manager.
4. In handling items related to safety, concerns for safety or hazards should be reported to the General Manager or to the District office. Emergency situations should be dealt with immediately by seeking appropriate assistance.
5. In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager.
6. When approached by District personnel concerning specific District policy, Directors should direct inquiries to the appropriate staff supervisor. The chain of command should be followed.
7. When responding to constituent requests and concerns, Directors shall respond to individuals in a positive manner and route their questions through the General Manager.

(Government Code Sections 61240-21245, BVCSD Code Section 2-2-4.)

K. Exercise Responsible Financial Management

The Board ensures the District exercises responsible financial management.

1. The Board ensures that BVCSD maintains a system of auditing and accounting that completely and at all times shows the financial condition of the District in accordance with generally accepted accounting principles and legal requirements.
2. The Board retains an independent auditor who conducts an annual audit of the District's books, records and financial affairs. The auditor will meet with the Board's Finance/Administration Committee at the conclusion of the audit each year to review the audit results and recommendations.

L. Improper Activities and the Reporting Such Activities; Protection of Whistleblowers

The Board ensures that BVCSD maintains a healthy work environment.

A Board member will not directly or indirectly use or attempt to use the authority or influence of his or her position to intimidate, threaten, coerce, command or influence any other person for the purpose of preventing such person from acting in good faith to bring to the attention of the General Manager or the Board any information that, if true, would constitute: a work-related violation by a Board member or District employee of any law or regulation, gross waste of District funds, gross abuse of authority, a specified and substantial danger to public health or safety due to an act or omission of a District official or employee, use of a District office or position or of District resources for personal gain, or a conflict of interest of a District Board member or District employee.

(Labor Code section 1102.5 and following; and Government Code Section 53298 and 53298.5)

M. Directors' Compensation and Expense Reimbursement

BVCSD Board members receive a monthly stipend for their public service based upon the number of meetings attended or days of service to the District. BVCSD reimburses Board members for actual reasonable and necessary expenses incurred in the performance of duties authorized or requested by the Board in accordance with the Board of Directors Training, Travel and Reimbursement Policy.

(Government Code Section 61207.)

N. Candidate's Statement

A board member will not include false or misleading information in a candidate's statement for a general District election filed pursuant to Section 13307 of the Elections Code.

(Elections Code Section 13313.)

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