

## **Section 6.6 Disconnection Procedures.**

**6.6.1 Disconnection of Service.** The District shall follow the following procedures for disconnection of service for violation of the Ordinances, rules or regulations of the District, and nonpayment of delinquent service charges.

- a) **Notice to District Customer of Record.** The District shall not terminate water or sewer service unless it provides notice of the violation or delinquency and impending termination to the customer of record on the account, in accordance with this subsection. The District shall provide notice of the violation or delinquency and impending termination at least ten (10) days prior to the proposed termination by means of a notice sent by regular U.S. mail, postage prepaid, to the customer of record. Notice of the violation or delinquency and impending termination may not be sent any earlier than nineteen (19) days after the District's mailing of its water or sewer bill. The ten (10) day notice period shall not commence until five (5) days after the notice is mailed. Each notice of termination must contain the information set forth in Public Utilities Code section 16482.1, subdivision (d). The notice described above must be provided to the customer of record whether or not the customer of record occupies the property at which the violation has occurred or for which the account is delinquent.

In addition to providing written notice as described above, the District shall make a reasonable good faith effort to contact an adult person residing at the location of service, by telephone or personal contact, at least 48 hours prior to any termination of service. If telephone or personal contact cannot be accomplished, the District shall give, by regular mail, in person, or by posting in a conspicuous location at the location of service, a notice of termination of service, at least 48 hours prior to the termination.

- b) **Prohibition of Disconnection of Service.** The District shall not disconnect water or sewer service:
- (1) During the pendency of an investigation by the District of a Customer dispute or complaint;
  - (2) When a customer has been granted an extension of the period

for payment of a bill; or

- (3) For residential service, on the certification of a licensed physician and surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into an amortization agreement with the District, pursuant to Public Utility Code section 16482.1(e), with respect to all charges that the customer is unable to pay prior to delinquency.

**6.6.2 Disconnection for Delinquent Sewer Charges.** If water service is furnished by the District to property that is also furnished sewer and/or special service and all or part of any billing related to sewer or special service charges is delinquent, the District may disconnect water, sewer, or special service, or any combination of services, or all such services to the property until all water, sewer, and special service charges are paid so that no service charges are delinquent.

**6.6.3 Disconnection for Delinquent Water Service Charges.** If sewer service is furnished by the District to property that is also furnished water and/or special service and all or part of any billing related to water or special service charges is delinquent, the District may disconnect sewer, water, or special service, or any combination of services, or all such services to the property until all water, sewer, and special service charges are paid so that no service charges are delinquent.

**6.6.4 Disconnection for Delinquent Special Service Charges.** If special service is furnished by the District to property that is also furnished water and/or sewer service and all or part of any billing related to water or sewer service is delinquent, the District may disconnect sewer, water, or special service, or any combination of services, or all such services to the property until all water, sewer, and special service charges are paid so that no service charges are delinquent.

**6.6.5 Means of Enforcement Only.** The District declares that the procedures of this Section 6 are established as a means of enforcing the terms and conditions of the Ordinances, rules, and regulations of the District, and not as a penalty.

**6.6.6 Conditions for Reconnection.** If water or sewer service is disconnected pursuant to the Ordinances, rules, and regulations of the District, the service shall not be reconnected until any and all violations are corrected, all delinquent service charges, all disconnection and reconnection charges as provided in Section 6.3.4 and all other applicable fees and costs, have been paid.

**6.6.7 Abatement.** During the period which water or sewer services, or both, are disconnected, habitation of the premises by human beings or continued operation of any commercial or industrial facility shall constitute a nuisance. The District shall notify the El Dorado County Health Department of any service disconnection. The Board may institute and prosecute to conclusion proceedings for the abatement of such occupancy. In any abatement action, reasonable attorneys' fees and costs, as fixed by the court, shall become due as an additional disconnection charge and no reconnection shall be made until all such charges are paid.

**6.6.8 Complaint or Dispute Review.** Upon receipt of a complaint following the posting of the notice required by Section 6.6.1, the District shall conduct a review or investigation, or both, of such complaint and may designate the Customer Service Manager or other authorized representative of the District to supervise the review and investigation. The review shall include consideration of whether a correction agreement to correct any violation or a payment agreement to amortize any unpaid charges should be permitted in lieu of the authorized disconnection.

**6.6.9 Relief by Board.** The Board may find, in its discretion, that any provision of the Ordinances, rules, and regulations of the District may be suspended or modified as applied to a property and may grant relief from that provision as applied to that property.

## **Section 6.7 Appeals.**

**6.7.1 Appeals.** By filing a written appeal, in a form approved by the District, with the Clerk of the Board, within ten (10) days from the date of any decision made in accordance with the provisions of the Ordinances, rules and regulations of the District, any person may appeal such decision in accordance with this Section 6.7.

**6.7.2 Committee Review.** A request may be made to a committee, as determined by the General Manager or other authorized District representative, consistent with Board policy, consisting of two (2) members of the Board appointed by the Board President for an informal review. After reviewing the request, the committee shall provide the appellant with written notification of its recommendation concerning disconnection. The committee's recommendation will be reported to the Board at a duly called, regular, special or adjourned meetings of the Board. Based upon the committee's recommendation, the appellant may pursue or withdraw his or her appeal to the entire Board.

**6.7.3 Board Review.** Notwithstanding whether a request is made to a Board committee as provided in Section 6.6.9(a), an appeal may be made directly to the entire Board at a duly called, regular, special or adjourned meetings of the Board. After reviewing the appeal, including any recommendation by a Board committee, the Board may, in its discretion, affirm, reverse, or modify the decision and impose such conditions as it deems appropriate.