SWEETWATER SPRINGS WATER DISTRICT

ORIGINAL

TO: Board of Directors **AGENDA NO. V-I**

FROM: Chuck Howell, General Manager

Meeting Date: **February 7, 2008** **Subject: Turn Off Notice procedure and legal requirements**

RECOMMENDED ACTION:

FISCAL IMPACT:
(None.)

DISCUSSION:
This item was requested for discussion by Director Wikle.

To prepare for discussion, Director Wikle has requested the following be attached for your review:

1. Gov. Code Section 60373
2. Water bill (Mailed the 15th of every other month)
3. Notice of Delinquency (Mailed app. 30 days after the bill)
4. Turn Off Notice (Posted app. 13 days after the Notice of Delinquency mailed)
5. Copy of a Letter to the Editor of the Russian River Monthly from Josh Dale

BOARD ACTION: Date: _____ Approved: ____ Denied: _____

UNANIMOUS ___ McLEAN ___ WIKLE ___ SCHAAP ___ KEACH ___ SMITH ___

Government Code Section 60373

60373. (a) No district furnishing light, heat, water, or power may terminate residential service on account of nonpayment of a delinquent account unless the district first gives notice of the delinquency and impending termination, at least 10 days prior to the proposed termination, by means of a notice mailed, postage prepaid, to the customer to whom the service is billed not earlier than 19 days from the date of mailing the district's bill for services, and the 10-day period shall not commence until five days after the mailing of the notice.

(b) Every district shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone or in person at least 48 hours prior to any termination of service except that whenever telephone or personal contact cannot be accomplished, the district shall give, by mail or by posting in a conspicuous location at the premises, a notice of termination of service, at least 48 hours prior to termination.

(c) Every notice of termination of service pursuant to subdivision(a) shall include all of the following information:

(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 arrangements for payment is required in order to avoid termination.

(4) The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, except that if the bill for service contains a description of that procedure, the notice pursuant to subdivision (a) is not required to contain that information.

(5) The procedure by which the customer may request 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 a representative of the district who can provide additional information or institute arrangements for payment. Every notice of termination of service pursuant to subdivision (b)shall include the items of information in paragraphs (1), (2), (3),(6), and (7).

All written notices shall be in a clear and legible format.

(d) If a residential customer fails to comply with an amortization agreement, the district shall not terminate service without giving notice to the customer at least 48 hours prior to termination of the conditions the customer is required to meet to avoid termination, but the notice does not entitle the customer to further investigation by the district.

e) No termination of service may be effected without compliance with this section, and any service wrongfully terminated shall be restored without charge for the restoration of service.

Sweetwater Springs Water District

Tel: (707) 869-4000 • Fax (707) 869-4005
E-mail sws@monitor.net • Website: www.sweetwatersprings.com

Water Bill

Billing Date	Account No.	Property Address	Amount Due	Date Due	Amount Enclosed

Remit Payment to:
Sweetwater Springs Water District
P.O. Box 48
Guerneville, CA 95446-0048

Return this portion with your payment. Thank you.

Keep this portion for your records.

Sweetwater Springs Water District
P.O. Box 48, 17081 Hwy. 116, Ste. B, Guerneville, CA 95446-0048 • Tel: (707) 869-4000 • Fax: (707) 869-4005
E-mail: sws@monitor.net • Website: www.sweetwatersprings.com

Account Number

Account Holder

Property Address

Meter Size	# Dwellings

Amount of Refundable Deposit Paid

ACCOUNT SUMMARY

Billing Date:	Billing Period:

Base Rate (for two months)	$
Water Usage Charge	
You used units of water this billing period. *Current Read: Prior Read:* *(*One unit equals 100 cubic feet or 748 gallons)*	
Set Up Fee (New accounts only)	
Capital Debt Reduction Charge	
Multiple Dwelling Charge *($25 per additional dwelling)*	
Late Fees Assessed	
Turn Off Notice Fees Assessed	
Credit Card Transaction Fee	
Misc. Charges	
Misc. Credits *(See Comments)*	
TOTAL CHARGES THIS BILL:	$
Previous Balance	$
Payments Received - Thank You!	$

COMMENTS

TOTAL AMOUNT DUE: $

DUE DATE:

Payment must be received in our office by the Due Date to avoid a late fee (minimum $5).

Sweetwater Springs Water District
PO Box 48, 17081 Hwy. 116, Ste. B
Guerneville, CA 95446
(707)869-4000

Sweetwater Springs WATER DISTRICT

WE ACCEPT VISA, MASTERCARD, DEBIT CARD AND ON-LINE PAYMENTS. THERE IS A $2.00 ADMINISTRATIVE FEE FOR THIS SERVICE.

NOTICE OF DELINQUENCY

Situs Address:
Account:

Our records show a delinquency exists on the above named water service in the amount of: 0 This amount includes a late fee ($5.00 or 5% of the bill, whichever is greater).

If you believe you already paid your bill and were sent this Notice in error, please call our office at 869-4000 during our regular business hours (8 a.m.- 4:15 p.m. Monday thru Friday). We apologize in advance if we made an error in sending you this notice.

Payment must be received at our office (not mailed) before 4:30 p.m. on . We have a 24-hour payment slot located by our front door.

Failure to tender payment by the date noted above will result in a Turn-Off Notice being posted at your situs address on 0 and a $25 fee added to your bill for the posting of this Notice. PLEASE NOTE: IF THIS IS THE SECOND BILL IN A ROW THAT YOU HAD A TURN-OFF NOTICE POSTED, YOU WILL ALSO BE REQUIRED TO PAY A $150.00 DEPOSIT TO THE DISTRICT. This deposit may only be credited to your water bill charges after one year in good standing, or in the event you discontinue service with the District.

If payment is not received at our office by **7 a.m. on** 0, your water service will be disconnected, and you will be required to pay your bill, your late fee, the $25 Turn Off Notice fee, and a $50 reconnection fee before your water service will be restored.

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To make special arrangements or if you have any other questions regarding this Notice, you must call us at (707) 869-4000 during regular business hours no later than 0. Agreements will not be made after a Turn-Off Notice has been posted.

If you feel your bill contains an error, you may request an investigation regarding the amount of your bill by filing a written protest with the General Manager within five (5) business days of the date of this letter. Any protest must be accompanied by payment of $45.85 for the base rate charge.

Thank you.
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Main Identity

From: "Victoria Wikle" <VictoriaWikle@usa.net>
To: "'Sweetwater Springs Water District'" <sws@monitor.net>
Sent: Wednesday, January 16, 2008 4:06 PM
Attach: header.htm; 20080116-SWS.pdf
Subject: FW: [MonteRioCA] Letter to the Editor - RR Monthly

Please put in packet and add as agenda item for further discussion. I think we are addressing some of the issues already. Also we need to know what is legally required prior to water shut off.

From: MonteRioCA@yahoogroups.com [mailto:MonteRioCA@yahoogroups.com] **On Behalf Of** Joshua Dale
Sent: Wednesday, January 16, 2008 3:51 PM
To: klineman@pon.net; desalvio@sonic.net
Cc: monterioca@yahoogroups.com; wsctalk@yahoogroups.com
Subject: [MonteRioCA] Letter to the Editor - RR Monthly

LETTER TO THE EDITOR – Russian River Monthly

Sweetwater Springs Water District Customer Rip-off

January 16, 2008 by Joshua M. Dale

Dear Editor(s):

I read with interest your January 2008 article on the Sweetwater Springs Water District (SWS) collection letter snafu last August 16, 2007. As the resident who has taken up finding out the details of this case, and on the 5th month anniversary since this snafu began, I want to inform you of several important corrections in your reporting.

Every SWS billing comes with a standard late fee warning that if a balance due is not paid by a date certain; the customer will incur a 5% charge on the balance owed, or a minimum of $5. The invoice does not inform the customer that more will happen if a billing cycle is skipped – nor are there any other warnings elsewhere, currently – a customer is invited to skip a payment subject to a "late fee" similar to a credit card company.

Last July 17, 2007 invoice was no different and several SWS customers didn't pay by the due date and incurred a minimum $5 or more late fee. Well, things didn't stop there and SWS management decided to issue Notice of Delinquency collection letters to the many who had skipped this cycle.

On August 16, 2007, SWS management claimed they mailed these collection letters to the debtor customers.

After that a larger than "normal" amount of customers hadn't paid up their balances, Julie Kenny told us in the December SWS board meeting, she then sent out her staff to physically "post" the customers' premises for turn off ("good" customers were given phone calls prior to this).

The August 16 collection letter explained to the debtor customer that if they didn't pay off their SWS balance due by August 27, a physical posting of the premises followed by turn off would come. All notices to the customer debtor were contained in this important document sent by U.S. mail, allegedly on or about August 16, 2007.

?

Ms. Kenny told the board that most delinquent customers pay their cable TV bills instead of their water bills

so the penalties have gone from $15 to $25 for posting (also discussed to rectify the situation was to put all legal notices on the website because the current invoice is out of room on the one side and double sided printing is difficult in house).

Thanks to Neighborhood Watch in the Terraces, two of my neighbors emailed me regarding my turn off physical posting 8/28 @ 1:28 p.m. – it proclaimed turn off was imminent on August 30 @ 7:30 a.m. if I didn't have $95.80 (balance plus $30) in the actual SWS office – "DO NOT RELY ON MAIL DELIVER" the notice states.

When I called in on August 29th and talked w/ the clerk who answered, I was given the impression I'd have to drive a check into the office from San Francisco or I'd be shut off. I asked for the manager and was turned over to Ms. Kenny who stated something like, "not this one, this is a good account" to the clerk in the background. Ms. Kenny then accepted I'd send a check that day by U.S. Mail – that check was deposited to a SWS account on August 30!

After Labor Day Weekend, on September 5, 2007, I received my August 16, 2007 SWS collection letter dated and postmarked by an in house SWS Pitney-Bose postal machine. I immediately called Ms. Kenny and she denied me a refund of my $25. Victoria Wikle asked me to get the matter before the board's meeting.

I have followed up on this matter since then and have talked to Joe Mills, Postmaster of the Guerneville United States Post Office. This is what he explained to me although not verbatim:

> SWS delivers mail to the Guerneville Post Office for mailing – usually in trays due to the volume of letters at billing. He has no idea what happens to a specific mailing as mail comes and goes – however mail doesn't get "lost" in the Guerneville office. Most of the time, trays of letters properly sorted and labeled and sleeved get first class delivery timing – a tray of letters misdirected do not get found until the sleeve is removed to see the addresses on the letters and this can cause a week's delay. Finally, because of the lack of markings on my 8/16 letter's envelope delivered 9/5, my 8/16 letter was not misdirected or delayed in the USPS in his opinion – as to whether the letters were mailed on August 16, 2007 or not … he doesn't know since they don't check businesses.

I have been a resident of the Terraces, Monte Rio, and West County since the summer of 2001 – my SWS account was opened in September of that year. I cannot be the attorney that brings this case as I am a victim of SWS taking of my $25. Something we discussed regarding a possible "class action" or motivations on the MonteRioCA or WSCTalk email groups should not be used to demonize the messenger, as Chuck Howell wishes to do.

SWS knows who didn't receive a timely August 16, 2007 collection letter – they know who they have ripped off for at least $25 – it is time to return the money instead of maintaining the currently implemented ignorant "no exceptions" policy created by this management and the Board of Directors sometime in the past.

Finally, it is time to replace the current management of SWS rather than maintain a collections policy that hurts the customer – if this economy is tanking, do we really want this management duo enforcing this collections policy? I'd rather help my fellow human keep the clean and healthy water running for a minimal fee – there is no competitor for a human to use in order to receive such a **basic** public service … as to PG&E and the phone company, they always call me if there is a billing problem – it is much easier and less expensive than a "posting" or "turn off" notice, or, to act more and more like Citizens Utilities.