

RESOLUTION NO. 2020-10

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COACHELLA WATER AUTHORITY, CALIFORNIA, DECLARING A TEMPORARY SUSPENSION OF SERVICE TURNOFFS DURING THE COVID-19 STATE OF EMERGENCY

WHEREAS, the Coachella Water Authority (“Authority”) adopted Ordinance 1057, Section 3. Chapter 13.03- *Water Service System* establishing requirements for the provision of water service including billing, payment, interest, late penalties, and shut off processing; and

WHEREAS, in recent weeks, federal, state, county and local governments have declared states of emergency to increase efforts to protect the public from the novel coronavirus (“COVID-19”). In addition, a number of school districts have announced closures which may be in effect for a number of weeks; and

WHEREAS, many customers face issues such as their children’s schools, or their workplaces, closing in an effort to stop the virus from spreading. These affected customers may not have access to paid time off from their employers or are contract workers who only get paid when they work and they cannot work remotely. Even a few lost days of wages due to the effects of COVID-19 could mean not being able to buy food, pay rent, or pay utilities; and

WHEREAS, Government Code Section 8634 provides that during a local emergency the governing body of a political subdivision, such as the Authority, may promulgate orders and regulations necessary to provide for the protection of life and property. Such orders and regulations, and amendments and rescissions thereof, must be in writing and must be given publicity and notice; and

WHEREAS, to help mitigate the negative impacts on those who may suffer a loss of wages due to efforts to slow the spread of COVID-19, the Authority Board of Directors adopted Resolution WA-2020-04 on March 25, 2020 directing the Executive Director, or his/her designees, to refrain from taking action which would result in the termination of service to residential customers, due to nonpayment; and

WHEREAS, Resolution WA-2020-04 further directs the Executive Director to take any and all action he/she deems necessary, in his/her reasonable discretion, to suspend the imposition of late penalties and interest and to or otherwise refrain from enforcing applicable provisions of Ordinance 1057 in regard to termination of service due to non-payment as of March 25, 2020; and

WHEREAS, the Temporary Suspension shall only apply to residential retail customers of the Authority and shall only apply to service termination due to non-payment; and

WHEREAS, on May 28, 2020, pursuant to authority granted by Resolution WA-2020-04, the Executive Director adopted an Executive Order extending the Temporary Suspension through June 30, 2020; and

WHEREAS, on June 10, 2020, the Board of Directors adopted Resolution No. WA-2020-07, which ratified the May 28, 2020 Executive Order and formally adopted the Temporary Suspension extension through June 30, 2020; and

WHEREAS, on June 24, 2020, the Board of Directors adopted Resolution No. WA-2020-08, which extended the Temporary Suspension through July 31, 2020; and

WHEREAS, on July 29, 2020, the Executive Director adopted an Executive Order extending the Temporary Suspension through September 30, 2020; and

WHEREAS, on August 7, 2020, the Board of Directors adopted Resolution No. WA-2020-09, which ratified the July 29, 2020 Executive Order and extended the Temporary Suspension through September 30, 2020; and

WHEREAS, on September 30, 2020 the Temporary Suspension expired;

WHEREAS, on November 12, 2020, the Executive Director adopted an Executive Order extending the Temporary Suspension through January 15, 2021 (“November 12, 2020 Executive Order”), which is attached hereto as Attachment “A”; and

WHEREAS, the COVID-19 pandemic and all of its impacts on public health, the economy, and the community at large continue to be felt by the citizens of Coachella. The Recitals above continue to describe the current situation and the support the need to reapprove and readopt the provisions of Resolution WA-2020-04 and reestablish a Temporary Suspension on any action, which would result in the termination of service to any residential retail customer due to nonpayment.

NOW, THEREFORE, BE IT RESOLVED,

Section 1. Incorporation of Recitals and Attachment. The recitals in and attachment to this Resolution are true and correct and this Authority so finds, determines and represents. Said recitals and attachment are incorporated herein and made a part of this Resolution.

Section 2. Temporary Suspension. The Board hereby authorizes, and otherwise directs, the Executive Director refrain from taking any action, which would result in the termination of service to any residential retail customer due to nonpayment (“Temporary Suspension”). As a result, the Executive Director shall take any and all action he/she deems necessary, in his/her reasonable discretion, to suspend the imposition of late penalties and interest and to or otherwise refrain from enforcing applicable provisions of Ordinance 1057 in regard to termination of service due to non-payment now. The terms and conditions of the Temporary Suspension shall be established and implemented as determined in the Executive Director’s reasonable discretion and in accordance with this Resolution.

Section 3. Eligible Customers. The Temporary Suspension shall only apply to residential retail customers of the Authority. In addition, the Temporary Suspension shall only apply to service termination due to non-payment. The Executive Director will continue to have the

authority to proceed with service termination for any other reason including, but not limited to, the theft of water or interference with Authority facilities.

Section 4. Suspension Period. The November 12, 2020 Executive Order is hereby ratified and the Temporary Suspension shall expire on **January 15, 2021** (“Suspension Period”). The Suspension Period may be extended, or otherwise revised, by the Executive Director from time to time, as determined in the Executive Director’s reasonable discretion.

Section 5. Report to the Board. The Executive Director shall provide updates to the Board at least as frequently as each Board meeting following the effective date of this Resolution. Said updates shall include information regarding: (a) establishment and implementation of the Temporary Suspension; (b) extensions or revisions to the Suspension Period; (c) the number of qualified customers; and (d) and any other information regarding how this Resolution is being implemented.

Section 6. Severability. If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

PASSED, APPROVED and ADOPTED this 18th day of November 2020.

Steven A. Hernandez
President

ATTEST:

Angela M. Zepeda, Secretary

APPROVED AS TO FORM:

Carlos Campos, Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. WA-2020-10 was duly adopted by the Board of Directors of the Coachella Water Authority at a regular meeting thereof, held on the 18th day of November 2020, by the following vote of the Board:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk

Attachment “A”

November 12, 2020 Executive Order