

RESOLUTION NO. WA-2020-07

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COACHELLA WATER AUTHORITY RATIFYING THE MAY 28, 2020 EXECUTIVE ORDER AND EXTENDING THE 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 the past ten 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. Resolution WA-2020-04 is attached hereto as **Attachment “1”**; 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. The May 28, 2020 Executive Order is attached hereto and incorporated herewith as **Attachment “2”**;

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 extend the Suspension Period; and

WHEREAS, the Board of Directors hereby desire to ratify the May 28, 2020 Executive Order and find that the Suspension Period shall be extended through June 30, 2020, unless the Board of Directors and/or the Executive Director later find that the extended Suspension Period should be modified, superseded, or rescinded.

NOW, THEREFORE, BE IT RESOLVED,

SECTION 1. Incorporation of Recitals and Attachment. The recitals and Attachments “1” (Resolution WA-2020-04) and “2” (May 28, 2020 Executive Order) to this Resolution are true and correct and this Authority so finds, determines, and represents. Said recitals and Attachments are incorporated herein and made a part of this Resolution. Resolution WA-2020-04 shall remain in full force and effect, the only modification being the Suspension Period Extension described in Section 2 of this Resolution, below.

SECTION 2. Suspension Period Extension. The Board of Directors hereby ratifies the Executive Order dated May 28, 2020 and extends the Temporary Suspension **through June 30, 2020**. This Extended Suspension Period may be modified, superseded, or rescinded by the Board of Directors or Executive Director.

SECTION 3. 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 of Directors hereby declare that they would have adopted 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 13th day of May 2020.

Steven A Hernandez
President

ATTEST:

Angela M. Zepeda
Secretary

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APPROVED AS TO FORM:

Carlos Campos
Authority Attorney

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

I HEREBY CEERTIFY that the foregoing Resolution No. WA-2020-07 was duly adopted by the Board of the Authority of the Coachella Water Authority at a regular meeting thereof held on the 10th day of June 2020, by the following vote of the Authority:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk