

RESOLUTION NO. WA-2021-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COACHELLA WATER AUTHORITY EXTENDING THE TEMPORARY SUSPENSION ON 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, federal, state, county and local governments have declared states of emergency to protect the public from the novel coronavirus (“COVID-19”); 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, are contract workers who only get paid when they work and they cannot work remotely, or have been laid off. 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; and

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, on November 18, 2020, the Board of Directors adopted Resolution WA-2020-10, which ratified the November 12, 2020 Executive Order and extended the Temporary Suspension through January 15, 2021, which is attached hereto as **Attachment “A”**; and

WHEREAS, on January 13, 2021, the Board of Directors adopted Resolution No. WA-2021-01, which extended the Temporary Suspension through March 31, 2021; 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 Attachments. The recitals and Attachment “A” (November 12, 2020 Executive Order and Resolution WA-2020-10) 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. Resolution WA-2020-10 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 extends the Temporary Suspension **through June 30, 2021**. 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 24th day of March 2021.

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-2021-02 was duly adopted by the Board of Directors of the Coachella Water Authority at a regular meeting thereof, held on the 24th day of March 2021, by the following vote of the Board:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk

Attachment "A"
Resolution No. WA-2020-10