

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING A POLICY ON DISCONTINUANCE OF WATER SERVICE**

**WHEREAS**, the City of Milpitas (“City”) is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

**WHEREAS**, the City operates a public water system that supplies water to residential, commercial, and industrial customers; and

**WHEREAS**, in 2018, the California Legislature adopted Senate Bill 998, which imposes new and expanded customer protections regarding discontinuance of residential water service for nonpayment and related matters; and

**WHEREAS**, California Health and Safety Code Section 116906 requires each urban and community water system, including the City, to have a written policy on discontinuance of residential service for nonpayment, and such written policy must address specified subjects required by law; and

**WHEREAS**, the City Council desires to adopt the Policy for Discontinuance of Residential Water Service (“Policy”) attached to this Resolution as **Exhibit A**.

**NOW, THEREFORE**, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. The City Council hereby adopts the attached Policy for Discontinuance of Residential Water Service (“Policy”) as set forth in **Exhibit A**.

3. If any section, subsection, clause or phrase in this Resolution or the Policy or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Resolution or the Policy or the application of such provisions to other persons or circumstances shall not be affected thereby. The City Council hereby declares that it would have adopted this Resolution and the Policy 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 to any person or circumstance be held invalid.

4. This Resolution shall become effective on February 1, 2020. The attached Policy shall apply to all water bills issued after that date.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Rich Tran, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher J. Diaz, City Attorney