City of Biggs

Agenda Item Staff Report
For the Regular City Council Meeting:
Oct 14, 2014

TO: Honorable Mayor and Members of the City Council
FROM: City Administrator
SUBJECT: Review of Municipal Code section 10.30

At previous Council meetings Council provided direction on desired changes to Utility Billing policies and fees, including Municipal Code section 10.30. Council is asked to consider approving an introductory reading of the related ordinance and to approve resolution adopting the fee schedule.

Background:
Please find attached strike through version section 10.30 which sets forth Utility Billing policies. Additionally, electronic versions were previously made available to Council to enhance the ability to see the original language as well as the many draft proposed changes for discussion and Council direction.

The following summarizes the recent round of changes:

DEPOSIT AMOUNT
While acknowledging the potential for customer financial burden, in the interest of protecting the City and its rate payers from losses due to unpaid utility billings Council was supportive of the concept of charging property owners a deposit in the amount of two times the estimated average total monthly utility bill, and charging non property owners a deposit in the amount of three times the estimated average total monthly utility bill. Additionally, the detail supporting this change was moved from the ordinance to the fee schedule to simplify future reference to and updates to this item.

The minimum deposit was increased to $150.00.

An additional deposit of $150 was created in the event the account holder is unable or unwilling to supply adequate account holder information to assist with off-setting the risk of financial loss.

PAYING OF THE DEPOSIT
The final sentence of proposed Code section 10.30.30 (2) memorializes the long running city practice of requiring ½ of the deposit before the initiation of service, and allows the city to collect the remaining ½ in up to 5 monthly installments

The proposed new section 10.30.30 (2) reads as follows:

(2) Security deposits shall be required for new applicants, re-applicants and for those active customers with prior shut-off for non-payment of utility services provided by the city. A minimum of one-half of the deposit must be paid prior to beginning utility service, with the remaining deposit satisfied by a billing deposit charge of at least $50 per month until the total deposit amount has been paid and must be fully paid within five months of beginning service. For new applicants, re-applicants and for those with prior shutoff for non-payment of utility services provided by the city that do not furnish the identification information required in section 10.30.020, an additional deposit in the amount as set forth in the adopted fee schedule shall be required. The identification information aids the city in collection of delinquent utility accounts. The lack of such identification is therefore the basis for this additional security deposit.

Recommendation:

Approve the following resolution:

RESOLUTION NO. 14-22
A RESOLUTION OF THE CITY OF BIGGS
ADOPTING MISCELLANEOUS UTILITY FEE SCHEDULE

Introductory Reading:

City of Biggs Ordinance 403
AN ORDINANCE OF THE CITY OF BIGGS AMENDING CHAPTER 10.30 OF THE BIGGS MUNICIPAL CODE TO UPDATE UTILITY BILLING POLICIES AND PROCEDURES.

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Mark Sorensen, City Administrator

ATTACHMENT A

Chapter 10.30
UTILITY BILLING

Sections:

10.30.010 Definitions.
10.30.020 Application for service.
10.30.030 Deposits – Establishment/ reestablishment of credit.
10.30.040 Procedures generally.
10.30.050 Payment – Due date and where made.
10.30.060 Payment – Delinquent when/charges assessed.
10.30.070 Municipal service liens.
10.30.080 Discontinuance of utility services – Notice.
10.30.090 Discontinuance of utility services – Procedures.
10.30.100 Restoration of utility services.
10.30.110 Meter testing and billing adjustments.
10.30.120 Meter maintenance.

10.30.010 Definitions.

(1) "Owner" means the person in whose name the legal title to the property appears, by deed duly recorded in the county recorder office.

(2) "Utility customer" means the owner, the person designated on the utility service application to receive the single periodic bill for utility service, or the person whom responsibility of the utility service bill for the provision of electrical service has been transferred (i.e., landlord transfers such utility service bill to tenant).

(3) "Utility service" means all services provided and billed by the city, including but not limited to water service, sewer service, utility improvement fees, electrical service and garbage service. [Ord. 318 § 1, 1998]

10.30.020 Application for service.

(1) Each applicant for utility service shall be required to sign an application on a form provided by the city and, upon request, will be required to furnish the following information:

(a) Name of applicant and co-applicant if applicable;

(b) Date of application;

(c) Location of property served;

(d) Mailing address of applicant;

(e) Date applicant requests utility service to begin;

(f) Whether applicant is owner, tenant, or agent for the property;

(g) Applicable information to establish credit worthiness of the applicant and co-applicant;

(h) Social Security Number and photo identification and o~~O~~ther such information as the city may reasonably require.**

(2) The application is a request for utility service and does not in itself bind the city to provide such utility service except under reasonable conditions, nor does it bind the utility customer to obtain utility service for any specific period of time.

(3) Two or more persons who join in one application or contract for utility services shall be jointly and severally liable thereunder and shall be billed by means of a single periodic bill mailed to the person designated on the application to receive the utility service bill.

(4) If a utility customer should transfer the responsibility of the utility service bill for the provision of electrical service to another person (i.e., landlord transfers such utility service bill to tenant), the city requires that such transfer be provided for in writing and the city may require further documentation for the determination of the actual and legal responsibility of the utility service bill. [Ord. 318 § 2, 1998]

10.30.030 Deposits – Establishment/reestablishment of credit.

(1) Each applicant for utility service shall establish and maintain credit to the satisfaction of the city by a cash guarantee deposit which shall be tendered to the city prior to the provision of utility services in accordance with the current fee schedule.

(2) Security deposits shall be required ~~F~~for new ~~a~~applicants, re-applicants and for those active customers with prior ~~delinquent~~ shut-off for non-payment of ~~utility payments for~~ utility services provided by the city ~~or other utility provider, the amount of deposit to establish or re-establish credit for the specified utility customer for any combination of utility service shall not exceed three times the estimated average monthly utility service bill and shall not be less than $75.00. based upon the credit worthiness of the applicant.~~ A minimum of one-half~~½~~ of the deposit must be paid prior to beginning utility service, with the remaining deposit satisfied by a billing deposit charge of at least $50 ~~or more~~ per month until the total deposit amount has been paid and must be fully paid ~~satisfied, and must be satisfied~~ within ~~5~~five months of beginning service. For new applicants, re-applicants and for those with prior shutoff for non-payment of utility services provided by the city that do not furnish the identification information required in section 10.30.020, an additional deposit in the amount as set forth in the adopted fee schedule shall be required. The identification information aids the city in collection of delinquent utility accounts. The lack of such identification is therefore the basis for this additional security deposit.

Comment [MS1]: An effort to cap the period of time for which the city will collect the deposit via payments.

(3) The city shall not pay any interest on deposits for utility service.

(4) When the utility customer has received continuous utility service and has paid utility service bills in a timely manner for a period of 12 consecutive months, the deposit shall be returned upon the expiration of such time period, only upon the request of the utility customer. At the customer's option the deposit will be

credited to their utility account or refunded via the issuance of payment to the customer.
(5) If the utility customer discontinues utility service ~~within the first 12 months of such service, the~~ any remaining deposit shall be returned; provided, that all outstanding utility service bills have been paid in full by the utility customer. Any deposit that is unclaimed after five years from the date that it was tendered to the city shall become the property of and be retained by the city. ~~All deposits that have been tendered to the city as of the date of final adoption of the ordinance codified in this chapter will be reviewed and credit worthiness determined for crediting such deposits to the utility customer's account. At such time, if credit worthiness is not established, the utility customer is hereby given notice that upon establishment of credit worthiness the deposit must be claimed five years from the date of the ordinance codified in this chapter. If credit worthiness is not established, the utility customer is hereby given notice that the deposit shall become the property of and be retained by the city in order to cover administrative costs and expenses. [Ord. 318 § 3, 1998]~~

10.30.040 Procedures generally.
(1) Except as provided elsewhere in this chapter, the city ~~administrator/city clerk~~ shall ascertain the amount of each utility service and use charges applicable to each property in the city. All utility services are billed through the fifteenth of each month or as indicated on the bill. Utility service billings are mailed at the ~~first~~ end of each month.
(2) Utility service bills shall be mailed to the property owner or persons listed as the owners on the last equalized assessment roll of the county, at the address shown on such assessment roll, or to the successor in interest of such owner, if the name and address of such successor in interest are known and proof of such is provided to the city's administrator.
(3) Failure of the city ~~administrator/city clerk~~ to mail any utility service bill shall not excuse the owner of any property from the obligation of paying any utility service and ~~use~~ usage charges for any property owned and/or occupied and any other serviced area.
(4) Utility service and usage charges are required for and imposed upon all property, regardless of occupancy, to the same extent as occupied property, and are billed directly to the owner of said property. Electrical service bills and responsibility for such bills can be transferred to ~~the~~ a tenant or other occupant.

10.30.050 Payment – Due date and where made.
(1) Except as otherwise provided elsewhere in this chapter, all utility service and use charges are due and payable upon presentation.
(2) Except as otherwise provided elsewhere in this chapter, all utility services and use charges shall be payable at City Hall or as noted on the billing. [Ord. 318 § 5, 1998]

10.30.060 Payment – Delinquent when/charges assessed.
(1) All utility service and use charges are due on the tenth day of each month and become delinquent after midnight on the twentieth day of each month, ~~and a penalty, in accordance with the current city fee schedule, shall be assessed against the current amount due~~. If the twentieth day is on a Saturday, Sunday or holiday, payment is due on the next business day following the twentieth. Any accounts with a balance of more than $20.00 shall be charged a late penalty fee on the entire current amount due~~,~~ in accordance with the current city fee schedule~~, for the preparation and delivery of a final notice. Interest, in accordance with the current city fee schedule, shall be charged on all accounts reaching 60-day delinquent status on the last working day of each month~~.
(2) If the past 12 consecutive months have resulted in timely payments with no late charges or waivers, a courtesy to waive late penalties ~~and/or interest~~ will be extended to all such utility customers who are faced with extenuating circumstances. This courtesy ~~shall require a formal written request on public document~~ to be completed by the utility customer and approved by the city administrator/city clerk or designee.
(3) If a utility customer's account has reached 90-day delinquent status, and if such utility customer has ~~made no attempt~~ failed to remedy the delinquency, city staff shall begin collection ~~proceedings~~ efforts against the utility customer and a~~. A $200~~ Collections Administrative fee shall be added the ~~to all~~ account~~s that are filed by the city of Biggs in small claims court or with collection agencies~~.
(4) The city administrator~~/city clerk~~ or designee by the city council may enter into repayment agreements for delinquent utility service charges with utility customers who no longer receive utility services from the city. Upon entering into a repayment agreement, the city administrator~~/city clerk, at their sole discretion~~, may waive any penalties, charges, and interest. Agreements may not exceed 36 months. If at any time payments are not received on a monthly basis, the agreement is void. In the event the utility customer does not meet the requirements of the repayment agreement, a ~~$200.00~~ Collections Administrative fee will be added to the amount due and filed for collections efforts ~~with small claims or other collectionagencies~~.

Comment [MS2]: The City no longer charges "interest" in addition to the "late fee". Not worth the labor to do so.

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Comment [MS3]: Too much detail. Not current practice.

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(5) In conjunction with a utility service repayment agreement entered into by and between the utility customer and the city, the city administrator/~~city clerk or designee~~ may also require a stipulated utility service repayment lien and notice of intent for satisfaction of lien through sale of proceeds to be entered into by and between the utility customer and the city. The city shall file the stipulated utility service repayment lien and notice of intent for satisfaction of lien through sale of proceeds directly with the Butte County recorder.
(6) Utility meters must be accessible at all times. If a meter is found to be inaccessible a fee in accordance with the current city fee schedule may be charged to the utility customer's account for each occurrence. Inaccessible includes, but is not limited to, locked gates, fences and buildings, animals, ~~and~~ overgrown landscape or other ~~obstiles~~obstacles. [Ord. 318 § 6,1998]

10.30.070 Municipal service liens.
(1) Delinquent charges and all penalties thereon for municipal sewer, water, garbage and electrical services provided by the city of Biggs, when recorded in accordance with Government Code Section 54355, shall constitute a municipal service lien upon the real property served. A municipal service lien shall continue until the charges and all penalties thereon are paid in full ~~or the property is sold~~. However, no municipal service lien shall be created against any publicly owned property.
(2) The municipal service lien for delinquent charges and penalties thereon shall attach when the city administrator, or other officer whose duty it is to collect the charge records, lists such delinquent unpaid charges and penalties thereon with the county recorder. The lists must state:
(a) Such amount of each charge and the penalties thereon;
(b) A description of the real property upon which the same is a municipal service lien; and
(c) All payments must be made payable to the city of Biggs.
(3) The municipal service liens shall have the same force, effect, priority, and duration as to the real property described as would the lien of an abstract of a judgment against the owner of the real property at the time such list is recorded with the county recorder and may be enforced in like manner.
(4) Property may be discharged from the municipal service lien within one year from the date of recording by the payment of all delinquent charges plus penalties.
(5) A list of all such delinquent charges and penalties thereon shall be recorded at least every six months, but no delay or informality in recording the same shall invalidate the municipal service lien or any unpaid charge of any subsequent act or proceedings.
(6) As a separate, distinct and cumulative remedy established for the collection of said charges and penalties thereon, an action may be brought in the name of the city of Biggs in any court in the county of Butte to enforce the municipal service lien for the charges and all penalties thereon. In such action, reasonable attorney's fees shall be awarded to the city of Biggs.
(7) As a separate, distinct and cumulative remedy established for the collection of said fees, charges and penalties thereon, the city council may, in its discretion, utilize the procedures set forth in Health and Safety Code Sections 5473 (et seq.) such that delinquent utility fees and charges may be collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, general taxes. [Ord. 348 § 12, 2004; Ord. 316 §§ 1 – 6, 1998]

10.30.080 Discontinuance of utility services – Notice.
(1) When a bill for utility services has become past due, and if the city administrator/~~city clerk~~ determines an emergency shutoff is not warranted and the account balance is over $50.00, a 15-day discontinuance of utility service notice for nonpayment shall be issued. In addition, no less than ~~24 hours prior to impending discontinuance the city shall attempt to contact an adult person residing or doing business at the property, except that, when personal contact cannot be accomplished, the city shall,~~ 48 hours prior to impending discontinuance, deliver by mail, in person or by posting in a conspicuous location at the property a final notice (second notice) of discontinuance of utility service. If payment for said utility services is not paid within the time required by such notice or an administrative hearing has not been requested, utility services shall be discontinued.
(a) Once service has been discontinued as above, payment by cash, or certified funds subject to city approval, is required before service will be restored.
(2) Every notice of termination of utility service shall include all of the following information:
(a) Name and address of the utility customer whose account is delinquent;
(b) Amount of delinquency;
(c) Date by which payment or arrangements for payment is required in order to avoid utility service discontinuance;
(d) Procedure by which the utility customer may initiate a complaint or request an investigation concerning utility service or charges, except that, if the bill for utility service contains a description of that procedure, this notice is not required to contain such information;
(e) Procedure by which the utility customer may request amortization of the delinquent charges or obtain

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Comment [MS4]: "Certified funds" can be nebulous. It is possible that something presented as "certified funds" might not pass a prima facie review. Best to leave an "out" if the situation appeared to be questionable.

information on the availability of financial assistance, if applicable;
(f) Telephone number of a utility service representative who can provide additional information or institute arrangements for payment.
(3) The city shall make available to its residential utility customers who are 65 years of age or older, or who are dependent adults as defined in paragraph 1 of subdivision (b) of Section 15610 of the Welfare and Institutions Code, a third party notification service, whereby the city shall attempt to notify a person designated by the utility customer to receive notification when the utility customer's account is past due and subject to discontinuance. Such utility customer shall make a request for third party notification on a form provided by the city, and shall include the written consent of the designated third party. The third party notification does not obligate the third party to pay the delinquent charges, nor shall it prevent or delay discontinuance of utility service.
(4) No termination of utility service, except in the case of an emergency, may be effected without compliance with this section. Any service wrongfully terminated shall be restored without charges for the restoration of utility service~~, and a notation thereof shall be mailed to the utility customer at his or her billing address.~~ [Ord. 318 § 7, 1998]

10.30.090 Discontinuance of utility services – Procedures.
(1) Pursuant to Public Utilities Code Section 10010, the city shall not discontinue the provision of residential utility service of light, water, power, or heat for nonpayment in any of the following situations:
(a) During the pendency of an investigation by the city of a utility customer dispute or complaint;
~~(b) When a utility customer has been granted an extension of the period for payment of a bill. If extension has been granted and utility customer has breached said extension agreement, a 48-hour notice shall be given as of the date of such breach, and discontinuance of utility services shall result if payment is not received by the end of said 48-hour period;~~
(be) On the certification of a licensed physician or surgeon that to do so will be life-threatening to the utility customer and the utility customer is financially unable to pay for utility service within the normal payment period and is willing to enter into an amortization agreement with the city with respect to all charges that the utility customer is unable to pay prior to delinquency. A utility customer whose circumstances are as described above shall, upon request, be permitted to amortize, over a period not to exceed 12 months, the unpaid balance of any utility service bill asserted to be beyond the means of the utility customer, meeting the requirements of this subsection (1)(c), to pay within the normal period for payment.
(2) Any residential utility customer who initiates a complaint, or requests an administrative hearing within five days of receiving a disputed bill, or requests an administrative hearing within 10 days of receiving notice of the discontinuance of utility service, or who has, within 13 days of the mailing of notice required by BMC 10.30.080, made a request for extension of the payment period of a bill asserted to be beyond the means of the utility customer pursuant to subsection (1) of this section, shall be given the opportunity for an administrative hearing before the city administrator/ city clerk or designee, who shall review such complaint, investigation or request of the utility customer. The administrative hearing shall include consideration of whether the utility customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed 12 months if the utility customer makes the proper showing in accordance with subsection (1) (c) of this section. No termination of utility service shall be effected for any utility customer complying with the amortization agreement, if the customer also keeps the utility service account current as charges accrue in each subsequent billing period.
(3) Any utility customer whose complaint, investigation, or request pursuant to subsection (2) of this section has resulted in an adverse determination by the city ~~administrator/city clerk or designee,~~ may appeal the determination to the appeal officer as appointed by the city council of the municipal corporation. Such appeal must be in writing. The appeals officer shall conduct a hearing within 30 days of receipt of appeal. Within 10 days of the appeal hearing, a written decision shall be rendered as to whether this chapter has been violated. If the utility customer is found in violation of this chapter, utility service(s) to such utility customer shall be discontinued and costs of such process shall be assessed. If the utility customer is not found to be in violation of this chapter, the city administrator/city clerk or designee shall not assess costs of the administrative hearing process or costs of utility service reconnection against such utility customer. Any subsequent appeal of the dispute, complaint, or request to the appeals officer is not subject to this section or Public Utilities Code Section 10010.
(4) In case of an emergency and if the need arises for an emergency shutoff as determined by the ~~city public works superintendent~~ city, the city shall have the right to shut off utility services from any utility

Comment [O5]: Should not be stricken.

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Comment [MS6]: I am told that Council voted (years ago) to stop the practice of granting extensions. The city has not granted extensions in many years.

Comment [MS7]: This could be the electric crew, fire department, police, etc.

customer(s) or number of utility customer(s) without notice, and to keep it shut off as long as necessary.
(5) The city may refuse to provide or disconnect utility service to any utility customer if any part of the wiring or other equipment, or the use thereof, is determined by the city to be unsafe or in violation of applicable laws, ordinances, rules or regulations of the city, or if any conditions existing upon the utility customer's property is determined to endanger the city's utility service facilities, until the unsafe condition is corrected or the violation is remedied. The city shall disconnect utility service, if necessary, for any unlawful connection(s) in order to protect against fraud and abuse. Utility customer shall be charged a fee in accordance with the current city fee schedule for restoration of utility services.
(6) If a check or other form of payment, tendered in payment of amounts owing to the city of Biggs, is not honored ~~by a bank and~~ or is returned to the city unpaid, the city shall add to the utility customer's bill a charge in accordance with the current city fee schedule for processing each ~~such returned check~~ dis-honored payment. Where utility service is subject to discontinuance pursuant to this chapter, the fee for the ~~returned check~~ dis-honored payment shall be included in the total amount due and payable. However, in no event shall utility service be discontinued until the utility customer has received at least a 24-hour notice, either by personal delivery of such notice to the property of which utility service is provided, or personal contact with utility customer, regarding the ~~said returned check~~ dis-honored payment. In the event ~~that a check is returned~~ of a dis-honored payment, the utility customer shall be required to tender such amount of said ~~check~~ payment and charges in accordance with the current city fee schedule in cash to the city of Biggs. In addition, if more than three ~~checks~~ payments are ~~returned by the bank~~ dis-honored for any reason, ~~personal or company checks~~ the form of payment will no longer be accepted for payment of utility service billings.
(7) ~~If, after discontinuance of utility service by the city,~~ aIf a meter has been modified or tampered with such that electricity can or has been stolen, the city shall place a charge, in accordance with the current city fee schedule, against the utility customer's account and/or pursue any recourses allowed by law including prosecution and total reimbursement for all costs.
(8) Utility customers desiring to discontinue utility service should notify the city's utility service representative 72 hours prior to vacating the property. Unless discontinuance of utility services is ordered, the utility customer shall be liable for any charges whether or not any utility services were used by such vacating utility customer. [Ord. 318 § 8, 1998]

10.30.100 Restoration of utility services.
For disconnection of utility services in accordance with BMC 10.30.090(3), (5), (6) and (8) notwithstanding any other provisions of this chapter to the contrary, in order to effect a restoration of utility services to the property, the utility customer shall pay a reconnection charge in accordance with the current city fee schedule. [Ord. 318 § 9, 1998]

10.30.110 Meter testing and billing adjustments.
(1) Testing of Meters.
(a) Every meter is tested at the time of or prior to installation. No meter will be placed at the property if it is found to register more than one percent fast or one percent slow.
(b) A utility customer may, with advance notice of no less than one week, request the city to test the meter at their utility service location.
(c) No charge will be made for such test, but, should a utility customer request a test within six months after installation, or more often than once in a ~~six~~ twelve months period then, the utility customer shall pay a fee in accordance with the city's fee schedule to cover the cost of testing the meter. ~~This~~ The Meter Testing fee will be ~~credited to the utility customer's account~~ waived if the meter is found to register more than two percent fast or slow.
(d) A utility customer may request the city conduct the test in the presence of a representative appointed by the utility customer. The results of such test shall be provided to the utility customer within a reasonable time after completion of such test.
(2) Adjustments to Utility Service Bills for Meter Error. If upon testing any meter it is found to be registering more than two percent fast, or two percent slow or nonregistering, the city may bill the utility customer for the estimated amount of electricity consumed using either of the following methods:
(a) An average of the utility customer's prior use for the past 12 months; or
(b) Within a week of installation of a replacement meter, a reading and average daily use obtained to prorate and calculate corrected billing. [Ord. 318 § 10, 1998]

10.30.120 Meter maintenance.
All services and meters installed by the utility department shall remain at all times the property of the department and shall be maintained, repaired and renewed by the department when rendered

unserviceable through reasonable use; provided, that where replacements, repairs or adjustments are rendered necessary by the act, negligence, or carelessness of the utility customer, or any member of the utility customer's family or person in the utility customer's employ, any expense caused to the department thereby shall be charged and collected from the utility customer. [Ord. 318 § 11, 1998]

FINAL VERSION

Chapter 10.30
UTILITY BILLING

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10.30.010 Definitions.

(1) "Owner" means the person in whose name the legal title to the property appears, by deed duly recorded in the county recorder office.
(2) "Utility customer" means the owner, the person designated on the utility service application to receive the single periodic bill for utility service, or the person whom responsibility of the utility service bill for the provision of electrical service has been transferred (i.e., landlord transfers such utility service bill to tenant).
(3) "Utility service" means all services provided and billed by the city, including but not limited to water service, sewer service, utility improvement fees, electrical service and garbage service. [Ord. 318 § 1, 1998]

10.30.020 Application for service.

(1) Each applicant for utility service shall be required to sign an application on a form provided by the city and, upon request, will be required to furnish the following information:
(a) Name of applicant and co-applicant if applicable;
(b) Date of application;
(c) Location of property served;
(d) Mailing address of applicant;
(e) Date applicant requests utility service to begin;
(f) Whether applicant is owner, tenant, or agent for the property;
(g) Applicable information to establish credit worthiness of the applicant and co-applicant;
(h) Social Security Number and photo identification and other such information as the city may reasonably require.
(2) The application is a request for utility service and does not in itself bind the city to provide such utility service except under reasonable conditions, nor does it bind the utility customer to obtain utility service for any specific period of time.
(3) Two or more persons who join in one application or contract for utility services shall be jointly and severally liable thereunder and shall be billed by means of a single periodic bill mailed to the person designated on the application to receive the utility service bill.
(4) If a utility customer should transfer the responsibility of the utility service bill for the provision of electrical service to another person (i.e., landlord transfers such utility service bill to tenant), the city requires that such transfer be provided for in writing and the city may require further documentation for the determination of the actual and legal responsibility of the utility service bill. [Ord. 318 § 2, 1998]

10.30.030 Deposits – Establishment/reestablishment of credit.

(1) Each applicant for utility service shall establish and maintain credit to the satisfaction of the city by a cash guarantee deposit which shall be tendered to the city prior to the provision of utility services in accordance with the current fee schedule.
(2) Security deposits shall be required for new applicants, re-applicants and for those active customers with prior shut-off for non-payment of utility services provided by the city. A minimum of one-half of the deposit must be paid prior to beginning utility service, with the remaining deposit satisfied by a billing deposit charge of at least $50 per month until the total deposit amount has been paid and must be fully paid within five months of beginning service. For new applicants, re-applicants and for those with prior shutoff for non-payment of utility services provided by the city that do not furnish the identification information required in section 10.30.020, an additional deposit in the amount as set forth in the adopted fee schedule shall be required. The identification information aids the city in collection of delinquent utility accounts. The lack of such identification is therefore the basis for this additional security deposit.
(3) The city shall not pay any interest on deposits for utility service.
(4) When the utility customer has received continuous utility service and has paid utility service bills in a timely manner for a period of 12 consecutive months, the deposit shall be returned upon the expiration of such time period, only upon the request of the utility customer. At the customer's option the deposit will be credited to their utility account or refunded via the issuance of payment to the customer.
(5) If the utility customer discontinues utility service any remaining deposit shall be returned; provided, that all outstanding utility service bills have been paid in full by the utility customer. Any deposit that is unclaimed after

five years from the date that it was tendered to the city shall become the property of and be retained by the city.

10.30.040 Procedures generally.
(1) Except as provided elsewhere in this chapter, the city shall ascertain the amount of each utility service and use charges applicable to each property in the city. All utility services are billed through the fifteenth of each month or as indicated on the bill. Utility service billings are mailed at the end of each month.
(2) Utility service bills shall be mailed to the property owner or persons listed as the owners on the last equalized assessment roll of the county, at the address shown on such assessment roll, or to the successor in interest of such owner, if the name and address of such successor in interest are known and proof of such is provided to the city's administrator.
(3) Failure of the city to mail any utility service bill shall not excuse the owner of any property from the obligation of paying any utility service and usage charges for any property owned and/or occupied and any other serviced area.
(4) Utility service and usage charges are required for and imposed upon all property, regardless of occupancy, to the same extent as occupied property, and are billed directly to the owner of said property. Electrical service bills and responsibility for such bills can be transferred to a tenant or other occupant.

10.30.050 Payment – Due date and where made.
(1) Except as otherwise provided elsewhere in this chapter, all utility service and use charges are due and payable upon presentation.
(2) Except as otherwise provided elsewhere in this chapter, all utility services and use charges shall be payable at City Hall or as noted on the billing. [Ord. 318 § 5, 1998]

10.30.060 Payment – Delinquent when/charges assessed.
(1) All utility service and use charges are due on the tenth day of each month and become delinquent after midnight on the twentieth day of each month,
. If the twentieth day is on a Saturday, Sunday or holiday, payment is due on the next business day following the twentieth. Any accounts with a balance of more than $20.00 shall be charged a late penalty fee on the entire current amount due in accordance with the current city fee schedule .
(2) If the past 12 consecutive months have resulted in timely payments with no late charges or waivers, a courtesy to waive late penalties will be extended to all such utility customers who are faced with extenuating circumstances. This courtesy to be completed by the utility customer and approved by the city administrator/city clerk or designee.
(3) If a utility customer's account has reached 90-day delinquent status, and if such utility customer has failed to remedy the delinquency, city staff shall begin collection efforts against the utility customer and a Collections Administrative fee shall be added the account. .
(4) The city administrator or designee by the city council may enter into repayment agreements for delinquent utility service charges with utility customers who no longer receive utility services from the city. Upon entering into a repayment agreement, the city administrator may waive any penalties, charges, and interest. Agreements may not exceed 36 months. If at any time payments are not received on a monthly basis, the agreement is void. In the event the utility customer does not meet the requirements of the repayment agreement, a Collections Administrative fee will be added to the amount due and filed for collections efforts.
(5) In conjunction with a utility service repayment agreement entered into by and between the utility customer and the city, the city administrator- may also require a stipulated utility service repayment lien and notice of intent for satisfaction of lien through sale of proceeds to be entered into by and between the utility customer and the city. The city shall file the stipulated utility service repayment lien and notice of intent for satisfaction of lien through sale of proceeds directly with the Butte County recorder.
(6) Utility meters must be accessible at all times. If a meter is found to be inaccessible a fee in accordance with the current city fee schedule may be charged to the utility customer's account for each occurrence. Inaccessible includes, but is not limited to, locked gates, fences and buildings, animals, overgrown landscape or other obstacles. [Ord. 318 § 6,1998]

10.30.070 Municipal service liens.
(1) Delinquent charges and all penalties thereon for municipal sewer, water, garbage and electrical services provided by the city of Biggs, when recorded in accordance with Government Code Section 54355, shall constitute a municipal service lien upon the real property served. A municipal service lien shall continue until the charges and all penalties thereon are paid in full. However, no municipal service lien shall be created against any publicly owned property.
(2) The municipal service lien for delinquent charges and penalties thereon shall attach when the city administrator, or other officer whose duty it is to collect the charge records, lists such delinquent unpaid charges and penalties thereon with the county recorder. The lists must state:
(a) Such amount of each charge and the penalties

thereon;
(b) A description of the real property upon which the same is a municipal service lien; and
(c) All payments must be made payable to the city of Biggs.
(3) The municipal service liens shall have the same force, effect, priority, and duration as to the real property described as would the lien of an abstract of a judgment against the owner of the real property at the time such list is recorded with the county recorder and may be enforced in like manner.
(4) Property may be discharged from the municipal service lien within one year from the date of recording by the payment of all delinquent charges plus penalties.
(5) A list of all such delinquent charges and penalties thereon shall be recorded at least every six months, but no delay or informality in recording the same shall invalidate the municipal service lien or any unpaid charge of any subsequent act or proceedings.
(6) As a separate, distinct and cumulative remedy established for the collection of said charges and penalties thereon, an action may be brought in the name of the city of Biggs in any court in the county of Butte to enforce the municipal service lien for the charges and all penalties thereon. In such action, reasonable attorney's fees shall be awarded to the city of Biggs.
(7) As a separate, distinct and cumulative remedy established for the collection of said fees, charges and penalties thereon, the city council may, in its discretion, utilize the procedures set forth in Health and Safety Code Sections 5473 (et seq.) such that delinquent utility fees and charges may be collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, general taxes. [Ord. 348 § 12, 2004; Ord. 316 §§ 1 – 6, 1998]

10.30.080 Discontinuance of utility services – Notice.
(1) When a bill for utility services has become past due, and if the city administrator determines an emergency shutoff is not warranted and the account balance is over $50.00, a 15-day discontinuance of utility service notice for nonpayment shall be issued. In addition, no less than 48 hours prior to impending discontinuance, deliver by mail, in person or by posting in a conspicuous location at the property a final notice (second notice) of discontinuance of utility service. If payment for said utility services is not paid within the time required by such notice or an administrative hearing has not been requested, utility services shall be discontinued.
(a) Once service has been discontinued as above, payment by cash, or certified funds subject to city approval, is required before service will be restored.
(2) Every notice of termination of utility service shall include all of the following information:
(a) Name and address of the utility customer whose account is delinquent;
(b) Amount of delinquency;
(c) Date by which payment or arrangements for payment is required in order to avoid utility service discontinuance;
(d) Procedure by which the utility customer may initiate a complaint or request an investigation concerning utility service or charges, except that, if the bill for utility service contains a description of that procedure, this notice is not required to contain such information;
(e) Procedure by which the utility customer may request amortization of the delinquent charges or obtain information on the availability of financial assistance, if applicable;
(f) Telephone number of a utility service representative who can provide additional information or institute arrangements for payment.
(3) The city shall make available to its residential utility customers who are 65 years of age or older, or who are dependent adults as defined in paragraph 1 of subdivision (b) of Section 15610 of the Welfare and Institutions Code, a third party notification service, whereby the city shall attempt to notify a person designated by the utility customer to receive notification when the utility customer's account is past due and subject to discontinuance. Such utility customer shall make a request for third party notification on a form provided by the city, and shall include the written consent of the designated third party. The third party notification does not obligate the third party to pay the delinquent charges, nor shall it prevent or delay discontinuance of utility service.
(4) No termination of utility service, except in the case of an emergency, may be effected without compliance with this section. Any service wrongfully terminated shall be restored without charges for the restoration of utility service

10.30.090 Discontinuance of utility services – Procedures.
(1) Pursuant to Public Utilities Code Section 10010, the city shall not discontinue the provision of residential utility service of light, water, power, or heat for nonpayment in any of the following situations:
(a) During the pendency of an investigation by the city of a utility customer dispute or complaint;
(b) On the certification of a licensed physician or surgeon that to do so will be life-threatening to the utility customer and the utility customer is financially unable to pay for utility service within the normal payment period and is willing to enter into an amortization agreement with the city with

respect to all charges that the utility customer is unable to pay prior to delinquency. A utility customer whose circumstances are as described above shall, upon request, be permitted to amortize, over a period not to exceed 12 months, the unpaid balance of any utility service bill asserted to be beyond the means of the utility customer, meeting the requirements of this subsection (1)(c), to pay within the normal period for payment.

(2) Any residential utility customer who initiates a complaint, or requests an administrative hearing within five days of receiving a disputed bill, or requests an administrative hearing within 10 days of receiving notice of the discontinuance of utility service, or who has, within 13 days of the mailing of notice required by BMC 10.30.080, made a request for extension of the payment period of a bill asserted to be beyond the means of the utility customer pursuant to subsection (1) of this section, shall be given the opportunity for an administrative hearing before the city administrator/ city clerk or designee, who shall review such complaint, investigation or request of the utility customer. The administrative hearing shall include consideration of whether the utility customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed 12 months if the utility customer makes the proper showing in accordance with subsection (1) (c) of this section. No termination of utility service shall be effected for any utility customer complying with the amortization agreement, if the customer also keeps the utility service account current as charges accrue in each subsequent billing period.

(3) Any utility customer whose complaint, investigation, or request pursuant to subsection (2) of this section has resulted in an adverse determination by the city may appeal the determination to the appeal officer as appointed by the city council of the municipal corporation. Such appeal must be in writing. The appeals officer shall conduct a hearing within 30 days of receipt of appeal. Within 10 days of the appeal hearing, a written decision shall be rendered as to whether this chapter has been violated. If the utility customer is found in violation of this chapter, utility service(s) to such utility customer shall be discontinued and costs of such process shall be assessed. If the utility customer is not found to be in violation of this chapter, the city administrator/city clerk or designee shall not assess costs of the administrative hearing process or costs of utility service reconnection against such utility customer. Any subsequent appeal of the dispute, complaint, or request to the appeals officer is not subject to this section or Public Utilities Code Section 10010.

(4) In case of an emergency and if the need arises for an emergency shutoff as determined by the city, the city shall have the right to shut off utility services from any utility customer(s) or number of utility customer(s) without notice, and to keep it shut off as long as necessary.

(5) The city may refuse to provide or disconnect utility service to any utility customer if any part of the wiring or other equipment, or the use thereof, is determined by the city to be unsafe or in violation of applicable laws, ordinances, rules or regulations of the city, or if any conditions existing upon the utility customer's property is determined to endanger the city's utility service facilities, until the unsafe condition is corrected or the violation is remedied. The city shall disconnect utility service, if necessary, for any unlawful connection(s) in order to protect against fraud and abuse. Utility customer shall be charged a fee in accordance with the current city fee schedule for restoration of utility services.

(6) If a check or other form of payment, tendered in payment of amounts owing to the city of Biggs, is not honored or is returned to the city unpaid, the city shall add to the utility customer's bill a charge in accordance with the current city fee schedule for processing each dis-honored payment. Where utility service is subject to discontinuance pursuant to this chapter, the fee for the dis-honored payment shall be included in the total amount due and payable. However, in no event shall utility service be discontinued until the utility customer has received at least a 24-hour notice, either by personal delivery of such notice to the property of which utility service is provided, or personal contact with utility customer, regarding the dis-honored payment. In the event of a dis-honored payment, the utility customer shall be required to tender such amount of said payment and charges in accordance with the current city fee schedule in cash to the city of Biggs. In addition, if more than three payments are dis-honored for any reason, the form of payment will no longer be accepted for payment of utility service billings.

(7) If a meter has been modified or tampered with such that electricity can or has been stolen, the city shall place a charge, in accordance with the current city fee schedule, against the utility customer's account and/or pursue any recourses allowed by law including prosecution and total reimbursement for all costs.

(8) Utility customers desiring to discontinue utility service should notify the city's utility service representative 72 hours prior to vacating the property. Unless discontinuance of utility services is ordered, the utility customer shall be liable for any charges whether or not any utility services

were used by such vacating utility customer. [Ord. 318 § 8, 1998]

10.30.100 Restoration of utility services.
For disconnection of utility services in accordance with BMC 10.30.090(3), (5), (6) and (8) notwithstanding any other provisions of this chapter to the contrary, in order to effect a restoration of utility services to the property, the utility customer shall pay a reconnection charge in accordance with the current city fee schedule. [Ord. 318 § 9, 1998]

10.30.110 Meter testing and billing adjustments.
(1) Testing of Meters.
(a) Every meter is tested at the time of or prior to installation. No meter will be placed at the property if it is found to register more than one percent fast or one percent slow.
(b) A utility customer may, with advance notice of no less than one week, request the city to test the meter at their utility service location.
(c) No charge will be made for such test, but, should a utility customer request a test within six months after installation, or more often than once in a twelve month period then the utility customer shall pay a fee in accordance with the city's fee schedule to cover the cost of testing the meter. The Meter Testing fee will be waived if the meter is found to register more than two percent fast or slow.
(d) A utility customer may request the city conduct the test in the presence of a representative appointed by the utility customer. The results of such test shall be provided to the utility customer within a reasonable time after completion of such test.
(2) Adjustments to Utility Service Bills for Meter Error. If upon testing any meter it is found to be registering more than two percent fast, or two percent slow or nonregistering, the city may bill the utility customer for the estimated amount of electricity consumed using either of the following methods:
(a) An average of the utility customer's prior use for the past 12 months; or
(b) Within a week of installation of a replacement meter, a reading and average daily use obtained to prorate and calculate corrected billing. [Ord. 318 § 10, 1998]

10.30.120 Meter maintenance.
All services and meters installed by the utility department shall remain at all times the property of the department and shall be maintained, repaired and renewed by the department when rendered unserviceable through reasonable use; provided, that where replacements, repairs or adjustments are rendered necessary by the act, negligence, or carelessness of the utility customer, or any member of the utility customer's family or person in the utility customer's employ, any expense caused to the department thereby shall be charged and collected from the utility customer. [Ord. 318 § 11, 1998]

RESOLUTION NO. 2014-22

A RESOLUTION OF THE CITY OF BIGGS AMENDING CITY FEE SCHEDULE TO PROVIDE FOR MISCELLANEOUS UTILITY FEES

The City Council of the City of Biggs does hereby resolve as follows:

WHEREAS, by various resolutions of the City Council of the City of Biggs, the City of Biggs has adopted certain fees; these fees have been assembled into the City of Biggs Fee Schedule.

WHEREAS, the Fee Schedule has been and will be modified from time to time as needed.

WHEREAS, the Fee Schedule is to include Miscellaneous Utility Fees.

WHEREAS, the City has an obligation to have City-utilities customers pay the full and actual cost of City utility services.

NOW, THEREFORE, BE IT RESOLVED, THAT

1. The attached Miscellaneous Utility Fee Schedule sets forth the certain actual costs incurred in providing utility service to City-utilities customer and is hereby adopted in full.

2. Any and all such prior or inconsistent fees are hereby repealed.

****

I HEREBY CERTIFY that the foregoing **RESOLUTION** was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Biggs, held on the 14th of October, 2014 by the following vote:

AYES: COUNCILMEMBER _____

NOES: COUNCILMEMBER _____

ABSENT: COUNCILMEMBER _____

ABSTAIN: COUNCILMEMBER _____

ATTEST:

_____
Roben Dewsnup
City Clerk

APPROVED:

_____
Roger Frith
Mayor

CITY OF BIGGS – FEE SCHEDULES

~~MISCALANEOUS~~ MISCELLANEOUS UTILITY FEES

CATEGORY	DESCRIPTION	FEE Per Occurrence
Meter Charges	Inaccessible Meter	$ 50.00
	Meter or Lock Tampering – First Offense	$100.00
	Meter of Lock Tampering – Subsequent Offenses	$200.00 Plus any incurred materials, labor and legal costs.
	Meter Testing (Waived if meter is found to be defective)	$50.00
Service Disconnect & Reconnect	Standard Service Reconnection -Regular Hours M-F 9:00AM – 3:00 PM non-holiday. -Non Regular Hours	 $ 50.00 $150.00
	Electric Anti-Tampering (boot) Shut-off -Regular Hours M-F 9:00AM – 3:00 PM non-holiday. -Non Regular Hours -Weekend and Holiday call-out	 $120.00 $200.00 $400.00
	Electric Anti-Tampering (boot) Turn-on -Regular Hours M-F 9:00AM – 3:00 PM non-holiday. -Non Regular Hours -Weekend and Holiday call-out	 $120.00 $200.00 $400.00
	Electric Shut-off at Pole or Source -Regular Hours M-F 9:00AM – 3:00 PM non-holiday. -Non Regular Hours -Weekend and Holiday call-out	 $150.00 $200.00 $400.00
	Electric Turn-on at Pole or Source -Regular Hours M-F 9:00AM – 3:00 PM non-holiday. -Non Regular Hours -Weekend and Holiday call-out	 $150.00 $200.00 $400.00
Dis-honored Payment	Returned Check	$ 50.00
	Dis-honored, rejected or reversed EFT or ACH (Electronic Funds Transfer, or Automated Clearing House).	$ 50.00
	Credit Card Payment rejected, reversed or contested	$ 50.00
	Any other defective or dis-honored form of payment	$ 50.00
Collections Efforts	Collections Administrative Fee	$250.00
Late Fee	Late Payment Fee	The higher of 10% or $10.00
Other Fees	Other Fees not specified are at actual cost plus 25%.	
Utility Service Deposit per service account	**Property Owner:** Base Deposit equal to 2 times the estimated average monthly total utility bill, but not less than $150.00. **Non Property Owner:** Base Deposit equal to 3 times the estimated average monthly total utility bill, but not less than $150.00. Added Deposit: Failure to supply SSN or photo ID or other information required by the city for debt collections efforts.	 $150.00

City of Biggs Ordinance 403

AN ORDINANCE OF THE CITY OF BIGGS AMENDING CHAPTER 10.30 OF THE BIGGS MUNICIPAL CODE TO SET FORTH UTILITY BILLING POLICIES AND PROCEDURES

The City Council of the City of Biggs does ordain as follows:

FINDINGS.

The City Council of the City of Biggs hereby finds and declares as follows:

1. The Biggs' Municipal Code setting forth utility billing policies and procedures required updates and modifications

2. The Miscellaneous Utility Fees shall be set by resolution.

NOW THEREFORE, Chapter 10.30 of the Biggs Municipal Code is amended as in attachment A

I HEREBY CERTIFY that the above and foregoing Ordinance was duly and regularly introduced and read at a regular meeting held on the 14th day of October, 2014, and was passed and adopted by the City Council of the City of Biggs at a regular meeting thereof duly held on the __ day of _____, 2014, by the following vote, to wit:

AYES: COUNCILMEMBER _____

NOES: COUNCILMEMBER _____

ABSENT: COUNCILMEMBER _____

ABSTAIN: COUNCILMEMBER _____

ATTEST:

_____
Roben Dewsnup
CITY CLERK

APPROVED:

_____
Roger L. Frith
MAYOR